JOURNAL

of the

HOUSE OF REPRESENTATIVES

of the

General Assembly

of the

Commonwealth of Kentucky

2004 Regular Session

Volume IV

Held in the State Capitol in the City of Frankfort,
at Frankfort, in the Year of Our Lord 2004,
and in the Two Hundred and Twelfth
Year of the Commonwealth

Begun on Tuesday, the Sixth Day of January, 2004, and Adjourned Sine Die on Tuesday, the Thirteenth Day of April, 2004

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FOREWORD

The Kentucky Constitution requires each chamber of the General Assembly to keep a journal as a public accounting of daily legislative activity. The journal is the official record of action.

The Kentucky Revised Statutes require the Legislative Research Commission to compile, edit, correct, and publish the journals of each chamber. This is the House Journal for the Regular Session of the 2004 General Assembly.

Texts of bills, joint resolutions, and concurrent resolutions appear in the journal on the day of their first reading. Texts of simple resolutions appear on the day of either their first reading or adoption. Texts of committee amendments appear when they are reported out of committee and floor amendments are inserted at the end of the day on which they were filed. The appendices include a table of actions on bills and resolutions, a list of elected representatives, roll call votes, and a sponsor and subject index.

JoAnn Paulin, Rhonda Carter, and Shelly Purvis prepared the *House Journal* for the 2004 Regular Session. The edited copy and appendices in this volume reflect the cooperative efforts of the LRC Staff.

Robert S. Sherman
Director

The Capitol
Frankfort, Kentucky
2005

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MARCH 25, 2004

FIFTY-SIXTH LEGISLATIVE DAY

The House was called to order by Speaker Richards.

Presentation of Colors, by the 12th U.S. Colored Heavy Artillery, Camp Nelson.

The Speaker led the members in the Pledge of Allegiance to the Flag.

Prayer by Dr. David Hinson, First Baptist Church, Frankfort, Kentucky.

Mason County High School Choir sang the National Anthem

The roll was called. All members present except Representatives R. Adams and Webb.

Representative Ballard moved that the absent members be granted leave of absence in accordance with the rules of the House. Agreed.

Representative Ballard moved that the reading of the Journal of March 24, 2004, be dispensed with and the same approved. Agreed.

Representative Ballard moved that the Rules be suspended for the purpose of making a motion concerning co-sponsors. Agreed.

Representative Ballard moved that all properly filed co-sponsor requests be approved. Agreed.

Introduction of Bills and Resolutions

HR 267, by Representatives Meade, Hall, Adkins, Richards, Barrows, Collins, Bruce, L. Clark, A. Smith, Yonts, Edmonds, Higdon, Miller, Jenkins, Marzian, Cherry, Webb, Pasley, and Stacy: A RESOLUTION adjourning the House of Representatives in honor of Attorney General Greg Stumbo.

HR 268, by Representative Marzian: A RESOLUTION honoring Kristy and Mary Worthen and declaring March 25, 2004 as Focus on Mental Health Issues Day.

HR 269, by Representative Riggs: A RESOLUTION honoring the duPont Manual High School Dance team, winners of the 2004 National Dance Alliance National Dance Championship.

HR 270, by Representative B. Smith: A RESOLUTION urging that September 25th of each year be designated as Bicycle Safety Awareness day.

Reference of Bills and Resolutions

The Clerk reported that the Committee on Committees have referred the following Resolutions:

House Floor: **HR 260, 262, 263, 264, 265, 266**

Report of Committees

The Committee on Elections, Constitutional Amendments, and Intergovernmental Relations reported **SB 1**, with Committee Substitute attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 1, AN ACT proposing amendments to the Constitution of Kentucky relating to health care matters.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. IT IS PROPOSED THAT A NEW SECTION BE ADDED TO THE CONSTITUTION OF KENTUCKY TO BE NUMBERED 54A AND TO READ AS FOLLOWS:

(1) As used in this section, "health care provider" means any person or organization licensed or certified by the Commonwealth of Kentucky to provide health care services and who has been designated as a health care provider by act of the General Assembly for the purposes of effectuating this section of the Constitution.

(2) Any section of this Constitution to the contrary notwithstanding, in civil actions where the act or omission of a health care provider has been alleged to have resulted in death or injury to any natural person, the General Assembly may by general law:

(a) Limit the amount to be recovered for noneconomic loss, which shall not be less than two hundred fifty thousand

dollars ($250,000) in each instance;

(b) Limit the amount to be recovered for punitive damages, which shall not be less than two hundred fifty thousand dollars ($250,000) in each instance;

(c) Provide for a mandatory alternative dispute resolution system prior to a trial by jury; and

(d) Provide for a uniform statute of limitations or statutes of repose, or both, for any civil action subject to this section.

(3) No provision of this section of the Constitution shall apply to a criminal action against a health care provider, and the provisions of Sections 59 and 60 of the Constitution shall specifically apply to any criminal action against a health care provider.

Section 2. It is proposed that Section 14 of the Constitution of Kentucky be amended to read as follows:

Except as provided in Section 54A, all courts shall be open, and every person for an injury done him in his lands, goods, person or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial or delay.

Section 3. It is proposed that Section 54 of the Constitution of Kentucky be amended to read as follows:

Except as provided in Section 54A, the General Assembly shall have no power to limit the amount to be recovered for injuries resulting in death, or for injuries to person or property.

Section 4. It is proposed that Section 241 of the Constitution of Kentucky be amended to read as follows:

Except as provided in Section 54A, whenever the death of a person shall result from an injury inflicted by negligence or wrongful act, then, in every such case, damages may be recovered for such death, from the corporations and persons so causing the same. Until otherwise provided by law, the action to recover such damages shall in all cases be prosecuted by the personal representative of the deceased person. The General Assembly may provide how the recovery shall go and to whom belong; and until such provision is made, the same shall form part of the personal estate of the deceased person.

Section 5. This amendment shall be submitted to the voters of the Commonwealth for their ratification or rejection at the time and in the manner provided for under Sections 256 and 257 of the Constitution and under KRS 118.415. The question to be presented to the voters shall read as follows: "Are you in favor of, in civil cases involving negligence by health care providers, permitting the General Assembly to by General law: (1) Place limits on noneconomic damages which shall not be less than $250,000 for each instance; (2) Place limits on punitive damages which shall not be less than two hundred fifty thousand dollars ($250,000) in each instance; (3) Create statutes of limitations or statutes of repose as to how long after the incident a law suit may be commenced; and (4) Require alternative dispute resolution prior to trial by jury?"

The House Committee Substitute to **SB 1** is as follows:

SB 1, AN ACT proposing amendments to the Constitution of Kentucky relating to health care matters.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. IT IS PROPOSED THAT A NEW SECTION BE ADDED TO THE CONSTITUTION OF KENTUCKY TO BE NUMBERED 54A AND TO READ AS FOLLOWS:

(1) As used in this section, "health care provider" means any person or organization licensed or certified by the Commonwealth of Kentucky to provide health care services and who has been designated as a health care provider by act of the General Assembly for the purposes of effectuating this section of the Constitution.

(2) Any section of this Constitution to the contrary notwithstanding, in medical negligence actions where the act or omission of a health care provider has been alleged to have resulted in death or injury to any natural person, the General Assembly may by general law:

(a) Limit the amount to be recovered for noneconomic loss, which shall not be less than two hundred fifty thousand dollars ($250,000) in each instance;

(b) Limit the amount to be recovered for punitive damages, which shall not be less than two hundred fifty thousand dollars ($250,000) in each instance;

(c) Provide for a mandatory alternative dispute resolution system which shall not abridge the right of trial by jury; and

(d) Provide for a uniform statute of limitations or statutes of repose, or both, for any civil action subject to this section.

(3) Any law passed by the General Assembly pursuant to this section shall include a provision which requires:

(a) Centralized reporting of the details of all malpractice claims settled or adjudicated to final judgment against a health care provider;

(b) Reporting of the details of all malpractice claims settled or adjudicated to final judgment against a health care provider to the appropriate licensure board or regulatory agency for a review of the fitness of the health care provider to practice his, her, or its profession; and

(c) That all reports pursuant to this section shall be public or private records as the General Assembly may require.

(4) No provision of this section of the Constitution shall apply to a criminal action against a health care provider, and the provisions of Sections 59 and 60 of the Constitution shall specifically apply to any criminal action against a health care

provider.

Section 2. It is proposed that Section 14 of the Constitution of Kentucky be amended to read as follows:

Except as provided in Section 54A, all courts shall be open, and every person for an injury done him in his lands, goods, person or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial or delay.

Section 3. It is proposed that Section 54 of the Constitution of Kentucky be amended to read as follows:

Except as provided in Section 54A, the General Assembly shall have no power to limit the amount to be recovered for injuries resulting in death, or for injuries to person or property.

Section 4. It is proposed that Section 241 of the Constitution of Kentucky be amended to read as follows:

Except as provided in Section 54A, whenever the death of a person shall result from an injury inflicted by negligence or wrongful act, then, in every such case, damages may be recovered for such death, from the corporations and persons so causing the same. Until otherwise provided by law, the action to recover such damages shall in all cases be prosecuted by the personal representative of the deceased person. The General Assembly may provide how the recovery shall go and to whom belong; and until such provision is made, the same shall form part of the personal estate of the deceased person.

Section 5. This amendment shall be submitted to the voters of the Commonwealth for their ratification or rejection at the time and in the manner provided for under Sections 256 and 257 of the Constitution and under KRS 118.415. The question to be presented to the voters shall read as follows: "Are you in favor of, in civil cases involving negligence by health care providers, permitting the General Assembly to by General law: (1) Place limits on noneconomic damages which shall not be less than $250,000 for each instance; (2) Place limits on punitive damages which shall not be less than two hundred fifty thousand dollars ($250,000) in each instance; (3) Create statutes of limitations or statutes of repose as to how long after the incident a law suit may be commenced; (4) Require centralized reporting of malpractice claim settlements and malpractice claim judgments; and (5) Require alternative dispute resolution prior to trial by jury?"

Calendar

SB 152, 86, 89, 102, 145, 174, 251, 209, 246, 225, 156, 214, 231, 273, 195, 139, 133, HR 237, SB 88, 184, 276, SJR 148, SB 266, and **245** taken from the Calendar and ordered read at length for the second time. Representative Adkins moved that they be read by title only. Agreed by a majority of members elected. Ordered referred to the Committee on Rules.

Representative Riggs moved that the rules be suspended to grant floor privileges and to act on a Resolution. Agreed.

Representative Riggs moved the adoption of the following **HR 269**:

HR 269, A RESOLUTION honoring the duPont Manual High School Dance team, winners of the 2004 National Dance Alliance National Dance Championship.

WHEREAS, the duPont Manual High School Dance team, the Dazzlers, have fostered tremendous school spirit for the Rams, represented their school throughout the nation, and entertained many crowds with their routines; and

WHEREAS, the Dazzlers have excelled in performance and competition all year including winning competitions in Evansville, Indiana; Hart County, Kentucky; and New Albany, Indiana; and

WHEREAS, the duPont Manual High School Dance team traveled to Orlando, Florida, to compete with numerous teams from across the country; from March 13 through March 15, 2004, they performed at Universal Theme Park's Hard Rock Live Theater; following completion of the competition, they were crowned national champions in the large varsity jazz division of the National Dance Alliance's National Dance Championship; and

WHEREAS, the Dazzlers were led by coaches Alonna Sitter and Erin Shields, who were committed to advancing the excellence of the team; Alonna Sitter was also recognized at the championship for her outstanding work as named recipient of the Innovative Choreography award; and

WHEREAS, members of the duPont Manual High School Dance team include Kim Bierens, April Curtsinger, Samantha Dearinger, Chelsea Denny, Bekah DeVore, Megan Fahey, Alexa Hall, Shay Higdon, Felicia Hogan, Emily Kidd, Allison Longino, Bryana Manning, Melanie Niemann, Stephanie Pace, Chelsea Peters, Sarah St. Clair, Christine Steiner, Jessica Torres, Sarah White, and Lauren Zoeller; and

WHEREAS, the accomplishments of this outstanding group of young ladies is a testament to their many hours of hard work, skill, and dedication, and should give all Kentuckians great pride;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. The members of the House of Representatives, both individually and collectively, congratulate the duPont Manual High School Dance team and their coaches upon winning the 2004 National Dance Alliance National Dance Championship. We are proud to recognize their achievement and applaud their talent. We wish them great success in their future endeavors.

Section 2. The Clerk of the House of Representatives shall transmit a copy of this Resolution to Principal Beverly Keepers, duPont Manual High School, 120 West Lee Street, Louisville, Kentucky 40208, and to Alonna Sitter, duPont Manual High School, 120 West Lee Street, Louisville, Kentucky 40208, and to Erin Shields, duPont Manual High School, 120 West Lee Street, Louisville, Kentucky 40208.

There being no objection, **HR 269** was adopted.

Senate Message

Message received in regard to **HB 188**: The Senate has passed **HB 188**, by way of Committee Substitute with the following Senate Committee Amendment No. 1 Title and respectfully requests concurrence of this Honorable Body. (2:10 p.m.)

Representative Adkins moved that the rules be suspended to grant floor privileges and to act upon Legislative Citations. Agreed.

Representative Adkins moved the adoption of the following **Legislative Citation No. 109**.

The House of Representatives of the Commonwealth of Kentucky hereby honors and commends the members and coaching staff of the Elliott County Middle School Boys Basketball Team for their tremendous accomplishments during the 2003-2004 season which include being named the BCI State Champions; earning the EKMS Conference, the OVC Conference, and the East Carter Holiday Classic Pre-Season Tournament titles; and, ending the season with a perfect 32-0 record. Inasmuch as the members and coaching staff of this celebrated team have brought great honor and esteem to both the school and community by their achievements during the season, the members of this august body are delighted to join with Representative Rocky Adkins in applauding the members of the Elliott County Middle School Boys Basketball Team for the attainment of these notable accolades and in extending best wishes for continued landmarks of success. Done in Frankfort, Kentucky, this twenty-fifth day of March, in the year two thousand and four.

Legislative Citation No. 109 was adopted without objection.

The roll call was opened for co-sponsors. On the roll call for co-sponsors of **Legislative Citation No. 109** the vote was: **Yeas 83**. (See March 25, 2004, roll call to show co-sponsors on **Legislative Citation No. 109**-Appendix.)

Representative Burch moved the adoption of the following **Legislative Citation No. 112**.

The House of Representatives of the Commonwealth of Kentucky hereby recognizes and honors Tess Payton for impressive contributions and exemplary performance as a legislative intern to Representative Tom Burch during the 2004 Regular Session of the Kentucky General Assembly. Inasmuch as the Kentucky House of Representatives renders enormous tasks during the legislative session, and further, that this distinguished intern has indeed acted as an integral element of support; let it be known that this honorable body hereby commends the exceptional work ethic and dedication exhibited by Tess Payton, a student at the University of Louisville who is majoring in art, humanities, and political science, and extends its deepest appreciation and gratitude for her outstanding contributions to this most worthwhile and complex process. Done in Frankfort, Kentucky, this twenty-fifth day of March, in the year two thousand and four.

Legislative Citation No. 112 was adopted without objection.

Representative Denham moved that the rules be suspended to act upon a Legislative Citation. Agreed.

Representative Denham moved the adoption of the following **Legislative Citation No. 110**.

The House of Representatives of the Commonwealth of Kentucky hereby offers a most enthusiastic welcome to the members of the Mason County High School Concert Choir and Orchestra as they visit the chambers of the House of Representatives during this day of the 2004 Regular Session of the Kentucky General Assembly. Currently celebrating its forty-fourth concert season, the Mason County High School Concert Choir and Orchestra has performed over 150 concerts in fourteen countries since 1968 including concerts at Westminster Abby in London, England; Notre Dame Cathedral in Paris, France; the Hague; and, the Esterhazy Palace in Eisenstadt. This exceptional group of vocalists and musicians has also performed at St. Patrick's and St. John Cathedrals in New York City, Carnegie Hall in 1999, the Kennedy Center in Washington, D. C., in 1997; was featured as part of a cultural musical exchange concert tour in France, Spain, Switzerland, Monaco and Italy during the summer of 2000; and has been a part of numerous television and film presentations airing on Kentucky Educational Television and the United Nations Television Network. Inasmuch as the members of the Mason County High School Concert Choir and

Orchestra have demonstrated tremendous talent and outstanding promise in the performing arts by their many accomplishments and by their presence on this memorable occasion, the members of this august body are delighted to join Representative Mitchel Denham in applauding this remarkable group of young citizens and in extending to them best wishes for continuing success and good fortune. Done in Frankfort, Kentucky, this twenty-fifth day of March, in the year two thousand and four.

Legislative Citation No. 110 was adopted without objection.

Representative Coleman moved that the rules be suspended to act on a Resolution. Agreed.

Representative Coleman moved the adoption of the following **HR 235**:

HR 235, A RESOLUTION adjourning the House of Representatives in loving memory and honor of Nicholas P. Beasley.

It is with heavy hearts and deep sadness that we learn of the premature passing of Nicholas P. Beasley, and we pause in silent reverence for his soul.

WHEREAS, Nicholas P. Beasley was born on April 3, 1987, a native of Lexington, Fayette County, Kentucky, and resident of Lawrenceburg, Anderson County, Kentucky, and he traversed these earthly bounds on January 23, 2004; and

WHEREAS, Nicholas P. Beasley was the loving son of Judith Carol Darnell Beasley; he was the loving son of James Edward Beasley and the loving stepson of his stepmother, Beverly Beasley; he was the loving brother of four sisters, Carolee Shifflett of Salvisa, Jill Harper of Lawrenceburg, Mary Evelyn Beasley of Harrodsburg, and Holly Shifflett of Lawrenceburg, and two loving brothers, Wade Beasley of Shelbyville and Billy Beasley of Burgin; he was the loving grandson of his maternal grandmother, Loraine Darnell of Lawrenceburg, and his paternal grandmother, Dorothy Beasley of Harrodsburg; and he also leaves behind a loving stepsister and three loving stepbrothers; and

WHEREAS, Nicholas P. Beasley attended Fairview Christian Church, where he was a member of the youth group; and he was an 11th grader at the Christian Academy of Lawrenceburg, where a Memorial Scholarship Fund has been established in his name that will assist future students and families; and

WHEREAS, Nicholas P. Beasley was an outstanding young man; he loved to debate wherever he was, be it in the classroom, church, sports arenas, or at home, and he loved to win; his favorite subject was History, and he had great aspirations of attending Kentucky State University to obtain a teaching degree in History; and often, he would be allowed to teach his History class for the day, and he relished challenging his fellow students; and he was an avid University of Kentucky Wildcats fan; and

WHEREAS, Nicholas P. Beasley was a communicator, in the very best sense of the word, and he enjoyed connecting with his peers on the Internet, which allowed him to chat with teens throughout the United States and as far away as Australia; and it wasn't until after his passing that his family realized the positive impact he had on his Internet friends' lives; and

WHEREAS, in the aftermath of this tragic accident on January 23, 2004, we are reminded of the grief and suffering afflicted upon the family and friends of Nicholas P. Beasley, how precious he was to his loved ones, and how his loved ones have been denied the opportunity of witnessing him reach his full potential; and we are also reminded that a life spent worthily should be measured by deeds, not years, and through his compassion and genuine love and concern for his fellow man, Nicholas P. Beasley is worthy of the highest commendation; and

WHEREAS, the premature passing of Nicholas P. Beasley has left a void that cannot be filled, and he is mourned across the length and breadth of the Commonwealth;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. The House of Representatives does hereby express its profound sense of sorrow upon the premature passing of Nicholas P. Beasley, and extends to his family and many friends its most heartfelt sympathy.

Section 2. When the House of Representatives adjourns this day, it does so in loving memory and honor of Nicholas P. Beasley.

Section 3. The Clerk of the House of Representatives is hereby directed to transmit a copy of this Resolution to Mrs. Judith Carol Darnell Beasley, 1061 Indian Trail, Lawrenceburg, Kentucky 40342.

There being no objection, **HR 235** was adopted.

Representative Weaver moved that the rules be suspended to grant floor privileges to a Vietnam War Veteran. Agreed.

Representative Couch moved that the rules be suspended to withdraw Floor Amendment No. 1 to **SB 155**. Agreed.

Representative Gray moved that the rules be suspended to withdraw Floor Amendment No. 1, Floor Amendment No. 2, and Floor Amendment No. 3 to **SB 52**. Agreed.

Representative Gray moved that the rules be suspended to withdraw Floor Amendment No. 2, Floor Amendment No. 3, and Floor Amendment No. 4 to **SB 135**. Agreed.

Representative Adkins moved to suspend the rules to allow the House to recess for a Committee on Rules meeting. Agreed.

Recess

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Representative Adkins moved that the rules be suspended for a Committee on Rules report. Agreed.

Report of Committee

The Committee on Rules reported that **HR 237, SB 86, 88, 89, 102, 133, 139, 145, 152, 156, 174, 184, 195, 209, 214, 225, 231, 245, 246, 251, 266, 273, 276, SJR 148, HCR 144, 186, SB 163, HB 710,** and **113** have been posted for passage in the Regular Orders of the Day for March 25, 2004.

Representative Marzian moved the adoption of the following **HR 268**:

HR 268, A RESOLUTION honoring Kristy and Mary Worthen and declaring March 25, 2004 as Focus on Mental Health Issues Day.

WHEREAS, more than one in five households in Kentucky will experience a mental illness or substance abuse disorder; and

WHEREAS, all persons in the Commonwealth need to be educated about the importance of mental health issues; and

WHEREAS, often the stigma associated with mental illness prevents many people from obtaining effective treatment; and

WHEREAS, treatment for mental illness, including drug therapies, is now known to be effective and allows thousands of Kentuckians to lead hopeful, productive lives; and

WHEREAS, the Kentucky Commission on Mental Illness, Substance Abuse and Other Drug Disorders, and Dual Diagnoses, established by HB 843 in the 2000 General Assembly, brings together local and statewide recommendations to improve the system of care; and

WHEREAS, Kristy Worthen, a consumer of mental health services, has brought to Kentucky a flag she painted that represents her journey and the hope of recovery; and

WHEREAS, Mary Worthen, Kristy's mother, has brought to Kentucky her experiences as a family member who has supported her loved one, and she has shared those experiences through her book;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. The House of Representatives does hereby recognize Kristy Worthen and Mary Worthen of Arkansas and expresses its appreciation to them for bringing the mental health flag to the Commonwealth of Kentucky as part of their nationwide tour. The House of Representatives further recognizes their courage and the courage of many consumers of mental health services and their family members in stepping forward to share their journey to recovery and their message of hope, and the House of Representatives does hereby declare March 25, 2004, as Focus on Mental Health Issues Day.

Section 2. The Clerk of the House of Representatives is hereby directed to transmit a copy of this resolution to Representative Mary Lou Marzian for presentation to Kristy Worthen and Mary Worthen, the Kentucky Chapter of the National Alliance for the Mentally Ill, and the Kentucky Mental Health Coalition on March 25, 2004, as Focus on Mental Health Issues Day.

There being no objection, **HR 268** was adopted.

On the roll call for co-sponsors the vote was: **Yeas 76.** (See March 25, 2004, roll call to show co-sponsors on **HR 268** - Appendix.)

Orders of the Day

SB 75, with House Committee Substitute and House Floor Amendments attached thereto, taken from the Orders of the Day and ordered read at length for the third time. Representative Adkins moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Adkins moved that the motion to take **SB 75** from the Orders of the Day be withdrawn and that **SB 75** be placed back in the Orders of the Day. Agreed.

SB 111, with House Committee Substitute and House Floor Amendments attached thereto, taken from the Orders of the Day and ordered read at length for the third time. Representative Adkins moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Rasche moved the adoption of the House Committee Substitute to **SB 111**. Agreed.

Representative Rasche moved that **SB 111**, by way of House Committee Substitute, be passed.

Representative Nelson moved the adoption of House Floor Amendment No. 4 to the House Committee Substitute to **SB 111**. Agreed.

Representative Yonts moved that the rules be suspended to allow the House to consider Floor Amendment No. 5 to **SB 111**.

Representative Ford inquired whether Floor Amendment No. 5 is germane.

The Speaker ruled that Floor Amendment No. 5 to **SB 111** is not germane.

Representative Rasche moved that **SB 111**, by way of House Committee Substitute, as amended, be passed.

On the roll call the vote was: **Yeas 96, Nays 1**. (See March 25, 2004, roll call on **SB 111** - Appendix.)

SB 111, by way of House Committee Substitute, as amended, was passed and the title agreed to.

Representative Rasche moved that the vote by which **SB 111**, by way of House Committee Substitute, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

SB 75, with House Committee Substitute and House Floor Amendments attached thereto, taken from the Orders of the Day and ordered read at length for the third time. Representative Adkins moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Westrom moved the adoption of the House Committee Substitute to **SB 75**. Agreed.

Representative Barrows moved to suspend the rules to allow the House to consider Floor Amendment No. 2 to **SB 75**.

Representative Ford inquired whether Floor Amendment No. 2 is germane.

The Speaker ruled that members will vote on the motion to allow the House to consider Floor Amendment No. 2 to the House Committee Substitute to **SB 75**.

On the roll call to allow the House to consider Floor Amendment No. 2 to the House Committee Substitute to **SB 75** the vote was: **Yeas 89, Nays 3**. (See March 25, 2004, roll call on **SB 75** - Appendix.)

The motion to consider Floor Amendment No. 2 to the House Committee Substitute to **SB 75** was adopted.

Representative Barrows moved to adopt Floor Amendment No. 2 to the House Committee Substitute to **SB 75**. Agreed.

Representative Westrom moved that **SB 75**, by way of House Committee Substitute, as amended, be passed.

On the roll call the vote was: **Yeas 97, Nays 0**. (See March 25, 2004, roll call on **SB 75** - Appendix.)

SB 75, by way of House Committee Substitute, as amended, was passed and the title agreed to.

Representative Westrom moved that the vote by which **SB 75**, by way of House Committee Substitute, was passed be reconsidered and said motion be placed on the table. Agreed.

SB 197, with House Committee Substitute attached thereto, taken from the Orders of the Day and ordered read at length for the third time. Representative Adkins moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Callahan moved the adoption of the House Committee Substitute to **SB 197**. Agreed.

Representative Callahan moved that **SB 197**, by way of House Committee Substitute, be passed.

On the roll call the vote was: **Yeas 95, Nays 1**. (See March 25, 2004, roll call on **SB 197** - Appendix.)

SB 197, by way of House Committee Substitute, was passed and the title agreed to.

Representative Callahan moved that the vote by which **SB 197**, by way of House Committee Substitute, was passed be reconsidered and said motion be placed on the table. Agreed.

SJR 3, with House Committee Substitute and House Floor Amendment attached thereto, taken from the Orders of the Day and ordered read at length for the third time. Representative Adkins moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Walton moved to adopt House Floor Amendment No. 1 to **SJR 3**. Agreed.

Representative Marcotte moved that **SJR 3**, as amended, be adopted.

On the roll call the vote was: **Yeas 93, Nays 2**. (See March 25, 2004, roll call on **SJR 3** - Appendix.)

SJR 3, as amended, was adopted.

Representative Montell moved that the vote by which **SJR 3**, as amended, was adopted be reconsidered and said motion be placed on the table. Agreed.

SB 219, with House Committee Amendment and House Floor Amendments attached thereto, taken from the Orders of the Day and ordered read at length for the third time. Representative Adkins moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Wayne moved the adoption of House Committee Amendment No. 1 to **SB 219**. Agreed.

Representative Wayne moved the adoption of House Floor Amendment No. 1 to **SB 219**. Agreed.

Representative Wayne moved that **SB 219**, as amended, be passed.

Representative Napier moved the adoption of House Floor Amendment No. 2 to **SB 219**.

Representative Yonts inquired whether House Floor Amendment No. 2 is germane.

The Speaker ruled that House Floor Amendment No. 2 is not germane.

On the roll call on the motion that **SB 219**, as amended, be passed the vote was: **Yeas 98, Nays 0**. (See March 25, 2004, roll call on **SB 219** - Appendix.)

SB 219, as amended, was passed and the title agreed to.

Representative Wayne moved that the vote by which **SB 219**, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

SB 109, with House Floor Amendment attached thereto, taken from the Orders of the Day and ordered read at length for the third time. Representative Adkins moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Thomas moved that **SB 109** be passed.

On the roll call the vote was: **Yeas 92, Nays 2**. (See March 25, 2004, roll call on **SB 109** - Appendix.)

SB 109 was passed and the title agreed to.

Representative Thomas moved that the vote by which **SB 109** was passed be reconsidered and said motion be placed on the table. Agreed.

SB 85, with House Floor Amendments attached thereto, taken from the Orders of the Day and ordered read at length for the third time. Representative Adkins moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Miller moved that **SB 85** be passed.

On the roll call the vote was: **Yeas 88, Nays 0**. (See March 25, 2004, roll call on **SB 85** - Appendix.)

SB 85 was passed and the title agreed to.

Representative Miller moved that the vote by which **SB 85** was passed be reconsidered and said motion be placed on the table. Agreed.

SB 143, with House Floor Amendments attached thereto, taken from the Orders of the Day and ordered read at length for the third time. Representative Adkins moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Burch moved that **SB 143** be passed.

On the roll call the vote was: **Yeas 91, Nays 1**. (See March 25, 2004, roll call on **SB 143** - Appendix.)

SB 143 was passed and the title agreed to.

Representative Burch moved that the vote by which **SB 143** was passed be reconsidered and said motion be placed on the table. Agreed.

SB 138, with House Floor Amendments attached thereto, taken from the Orders of the Day and ordered read at length for the third time. Representative Adkins moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Cherry moved to suspend the rules for the House to consider House Floor Amendment No. 1 to **SB 138**.

Representative Marzian inquired whether House Floor Amendment No. 1 is germane.

The Speaker ruled that House Floor Amendment No. 1 to **SB 138** is not germane.

Representative Cherry moved that **SB 138** be passed.

On the roll call the vote was: **Yeas 94, Nays 0**. (See March 25, 2004, roll call on **SB 138** - Appendix.)

SB 138 was passed and the title agreed to.

Representative Cherry moved that the vote by which **SB 138** was passed be reconsidered and said motion be placed on the table. Agreed.

HB 321, with Senate Committee Substitute attached thereto, taken from the Orders of the Day. Representative Adkins moved that it be placed upon its passage for concurrence or non concurrence. Agreed.

The Senate Committee Substitute to **HB 321** is as follows:

HB 321, AN ACT relating to the practice of dentistry.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 216.940 is amended to read as follows:

As used in KRS 216.940 to 216.945:

(1) "Charitable health care provider" means any person, agency, clinic, or facility licensed or certified by the Commonwealth or under a comparable provision of law of another state, territory, district, or possession of the United States, engaged in the rendering of medical care ***or dentistry*** without compensation or charge, and without expectation of compensation or charge, to the individual, without payment or reimbursement by any governmental agency or insurer. "Charitable health care provider"~~[only]~~ means those persons, agencies, clinics, or facilities ***providing***~~[engaging in]~~ primary ***medical*** care and performing no invasive or surgical procedures***, and those persons, agencies, clinics, or facilities providing services within the dentist's scope of practice under KRS Chapter 313***.

(2) "Regularly practice" means to practice for more than sixty (60) days within any ninety (90) day period.

(3) "Sponsoring organization" means any organization, with an established relationship with a practicing entity, that organizes or arranges for the voluntary provision of health care services in the state.

Section 2. KRS 304.40-075 is amended to read as follows:

(1) As used in this section, unless the context requires otherwise:

(a) "Charitable health care provider" means any person, agency, clinic, or facility licensed or certified by the Commonwealth, or under a comparable provision of law of another state, territory, district, or possession of the United States, engaged in the rendering of medical care ***or dentistry*** without compensation or charge, and without expectation of compensation or charge, to the individual, without payment or reimbursement by any governmental agency or insurer. "Charitable health care provider"[~~ only~~] means those persons, agencies, clinics, or facilities ***providing***[~~engaging in~~] primary care medicine and performing no invasive or surgical procedures***, and those persons, agencies, clinics, or facilities providing services within the dentist's scope of practice under KRS Chapter 313***;

(b) "Medical malpractice insurer" means every person or entity engaged as principal and as indemnitor, surety, or contractor in the business of entering into contracts to provide medical professional liability insurance, except an entity in the business of providing such medical professional liability insurance only to itself or its affiliated subsidiary, or parent corporation, or subsidiaries of its parent corporations; and

(c) "Medical professional liability insurance" means insurance to cover liability incurred as a result of the hands-on providing of medical professional services directly to patients by an insured in the treatment, diagnosis, or prevention of patient illness, disease, or injury.

(2) Insurers offering medical professional liability insurance in the Commonwealth shall make available, as a condition of doing business in the Commonwealth pursuant to this chapter, medical professional liability insurance for charitable health care providers and persons volunteering to perform medical services for charitable health care providers, with the same coverage limits made available to its other insureds.

(3) (a) Premiums for policies issued under subsection (2) of this section shall be paid by the Commonwealth from the general fund upon written application for payment of the premium by the health care provider wishing to offer charitable services.

(b) The Department of Insurance shall, through promulgation of administrative regulations pursuant to KRS Chapter 13A, establish reasonable guidelines for the registration of charitable health care providers. The guidelines shall require the provider to supply, at a minimum, the following information:

1. Name and address of the charitable health care provider;

2. Number of employees of the charitable health care provider who will be rendering medical care without compensation or charge and without expectation of compensation or charge, and who will be covered under the policy issued under subsection (2) of this section;

3. The expected number of patients to be provided charitable health care services in the year for which the insurer will offer malpractice coverage;

4. The charitable health care provider's acknowledgment that the insurer's risk management and loss prevention policies shall be followed;

5. A copy of the registration filed with the Cabinet for Health Services under KRS 216.941; and

6. A copy of the medical malpractice policy, declaration page, and any other documentation the commissioner may deem necessary to determine the proper amount of premiums and taxes to be reimbursed.

(c) Persons insured under this section shall be required to comply with the same risk management and loss prevention policies which the insurer imposes upon its other insureds.

(d) Any premium refund for medical professional liability insurance issued under subsection (2) of this section received for any reason by the charitable health care provider shall be promptly remitted to the department for transmittal to the general fund.

(4) This section shall only apply to charitable health care providers and persons volunteering to perform medical services for charitable health care providers who are not otherwise covered by any policy of medical professional liability insurance for the charitable health care services provided, and that meet the terms for eligibility established pursuant to this section.

(5) Coverage offered to charitable health care providers and persons volunteering at charitable health care providers shall be at least as broad as the coverage offered by the insurer to other noncharitable health care providers or facilities and to medical professionals working at noncharitable health care facilities.

(6) The Department of Insurance shall retrospectively review on an annual basis the premiums paid pursuant to this section as opposed to the expenses incurred by the insurers covering risks under this section to determine if the profits made for those risks were consistent with reasonable loss ratio guidelines. If the determination is made that the profits were not consistent with reasonable loss ratio guidelines, the Department of Insurance shall determine the amount of the premiums to be refunded to the Commonwealth.

(7) The Cabinet for Health Services shall make available to the Department of Insurance information on its registration of charitable health care providers for the purpose of obtaining medical malpractice insurance.

(8) The Department of Insurance shall not provide medical malpractice insurance as specified in subsection (3)(a) of this section to a charitable health care provider who has not registered with the Cabinet for Health Services under KRS 216.941.

Section 3. KRS 313.445 is amended to read as follows:

(1) No specialty license shall be issued unless the applicant presents proof satisfactory to the board that he will limit his practice to that specialty from date of receipt of such license. Upon the failure of a specialty licensee to limit his practice to the specialty in which he is licensed, the board shall recall his specialty license and revoke the privilege of announcing to the public that he is especially qualified in, or is limiting his practice to, such specialty. The specialty license and the privileges attached thereto shall be restored to the dentist when satisfactory proof has been presented that such dentist is limiting his practice to the specialty in which he was licensed.

(2) No provision in this chapter shall be construed as limiting or preventing a duly licensed and qualified dentist from performing, without a specialty license, dental acts or services to the public in any of the branches of dentistry set out in KRS 313.400.

(3) The provisions of subsection (1) of this section shall not apply to a dentist with a specialty license when providing services as a charitable health care provider under KRS 216.941.

(4) A dentist with a specialty license and a general dentist shall only perform those dental procedures that the dentist is competent to perform by education, training, and experience.

Representative Graham moved that the House concur in the Senate Committee Substitute to **HB 321**. Agreed.

Representative Graham moved that **HB 321**, by way of Senate Committee Substitute, be passed.

On the roll call the vote was: **Yeas 95, Nays 0** (See March 25, 2004, roll call on **HB 321** - Appendix.)

HB 321, by way of Senate Committee Substitute, was passed and the title agreed to.

Representative Graham moved that the vote by which **HB 321**, by way of Senate Committee Substitute, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 331, with Senate Committee Substitute and Senate Committee Amendment attached thereto, taken from the Orders of the Day. Representative Adkins moved that it be placed upon its passage for concurrence or non concurrence. Agreed.

The Senate Committee Substitute to **HB 331** is as follows:

HB 331, AN ACT relating to airport safety and security.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 183.137 is amended to read as follows:

(1) The board may contract with any person or governmental agency for the use of the airport. Such contract shall not prevent, restrict or hamper the general use of the airport by the public.

(2) All unpledged or surplus revenue derived from use of the airport shall be first applied to the maintenance of the airport. A governmental unit may expend funds for this purpose out of its general funds or any other available funds.

(3) Any airport board is excused, under any contract or lease, from accepting performance from or rendering performance to an entity other than the entity with which it originally entered into the contract or lease, unless the airport board has specifically consented to the assignment and assumption of the contract or lease to the new party following review of such factors as the airport board deems appropriate, including the impact of the assignment upon airport safety and security.

Section 2. KRS 382.135 is amended to read as follows:

(1) In addition to any other requirement imposed by law, a deed to real property shall contain the following:

(a) The mailing addresses of the grantor and grantee;

(b) A statement of the full consideration; and

(c) In the case of a transfer other than by gift, or with nominal or no consideration a sworn, notarized certificate signed by the grantor or his agent and the grantee or his agent, or the parent or guardian of a person under eighteen (18) years old, that the consideration reflected in the deed is the full consideration paid for the property; or

(d) In the case of a transfer either by gift or with nominal or no consideration, a sworn, notarized certificate signed by the grantor or his agent and the grantee or his agent, or the parent or guardian of a person under eighteen (18) years old, stating that the transfer is by gift and setting forth the estimated fair cash value of the property.

(2) The deed filing requirements listed in subsection (1)(b) and (c) of this section shall not apply to:

(a) Deeds which only convey utility easements;

(b) Deeds which transfer property through a court action pursuant to a divorce proceeding;

(c) Deeds which convey rights-of-way that involve governmental agencies;

(d) Deeds which convey cemetery lots;[~~ and~~]

(e) Deeds which correct errors in previous deeds conveying the same property from the same grantor to the same grantee***; and***

(f) Deeds which convey real property to a local airport authority.

(3) In the case of an exchange of properties, the fair cash value of the property being exchanged shall be stated in the body of the deed.

(4) In the event of a transfer of property by will or under the laws of intestate succession, the personal representative of the estate, prior to closing out the estate, shall file an affidavit with the county clerk of each county in which any of the property is located, which shall contain the following:

(a) The names and addresses of the persons receiving each property passing by will or intestate succession; and

(b) The full or fair market value of each property as estimated or established for any purpose in the handling of the estate, or a statement that no such values were estimated or established.

(5) No county clerk or deputy clerk shall lodge for record, and no county clerk or deputy shall receive and permit to be lodged for record, any deed that does not comply with the provisions of this section.

Representative P. Clark moved that the House refuse to concur in the Senate Committee Substitute to **HB 331**.

The House refused to concur in the Senate Committee Substitute to **HB 331**.

HB 199, with Senate Committee Substitute attached thereto, taken from the Orders of the Day. Representative Adkins moved that it be placed upon its passage for concurrence or non concurrence. Agreed.

The Senate Committee Substitute to **HB 199** is as follows:

HB 199, AN ACT relating to roads.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 178.010 is amended to read as follows:

(1) As used in this chapter, unless the context otherwise requires:

(a) "Construction" includes reconstruction and improvement;

(b) "County roads" are public roads which have been ***formally*** accepted by the fiscal court of the county as a part of the county road system[~~ after July 1, 1914~~], or private roads, streets, or highways which have been acquired by the county pursuant to ***subsection (3) of this section or*** KRS 178.405 to 178.425. "County roads" includes necessary bridges, culverts, sluices, drains, ditches, waterways, embankments or retaining walls; and

(c) "Hard surface road" means a road the surface of which is asphalt, brick, stone block, macadam, concrete, gravel or other material of equal merit.

(2) Nothing in this chapter shall be construed to take from the jurisdiction or control of the legislative body of any incorporated city any road, bridge, landing or wharf, or any other thing exclusively under the jurisdiction or control of ***the***[~~such~~] city.

(3) Nothing in this chapter shall prevent any fiscal court from acquiring ***unimproved*** land by gift for public purposes. ***However, on and after the effective date of this Act, a fiscal court may only accept a private road, street, or highway by gift if the private road, street, or highway has been constructed to meet minimum construction standards established by the fiscal court.***

(4) Nothing in this chapter, including the fact that a municipal street has not been accepted into the county road system, shall prevent any county from entering into an agreement, pursuant to the provisions of KRS 65.210 to 65.300, with any city located within the county to perform work upon or to provide personnel, materials or equipment for work to be performed upon any street located within the city. A county may pay one hundred percent (100%), or a lesser percentage, of all or any part of the cost of the joint undertaking, based upon the terms agreed to in the interlocal cooperative agreement required by this subsection.

Section 2. KRS 178.025 is amended to read as follows:

[~~(1)~~]Any road, street, highway or parcel of ground dedicated and laid off as a public way and used without restrictions ***on a continuous basis*** by the general public for ***fifteen (15)***[~~five (5)~~] consecutive years, shall conclusively be presumed to be a public road.

[~~(2) In the absence of any record, the width of a public road right-of-way shall be presumed to extend to and include that area~~

~~lying outside the shoulders and ditch lines and within any landmarks such as fences, fence posts, corner stones or other similar monuments indicating the boundary line.~~

~~(3) In the absence of both record or landmark, the right-of-way of a public road shall be deemed to extend to and include the shoulders and ditch lines adjacent to said road, and to the top of cuts or toe of fills where such exist.~~]

Section 3. KRS 178.040 is amended to read as follows:

(1) In order to change the width of a county road, the fiscal court***, an urban-county government,*** or a consolidated local government shall make a special order for a different width. The order shall be recorded in the office of the county clerk. In order to change the width of the right-of-way of a portion of a county through road system the fiscal court of a county containing a city of the first class or a consolidated local government may make a special order for a different width. The order shall be recorded in the office of the county road engineer.

(2) All county roads ***and all public roads that are being adopted into a county road system after the effective date of this Act***[~~hereafter established~~] shall occupy a ***minimum*** right-of-way ***width of***[~~not less than~~] thirty (30) feet***, fifteen (15) feet in each direction as measured from the centerline of the road, unless the fiscal court finds that a thirty (30) foot minimum cannot be met due to the topography of the road or other extraordinary circumstances. All county roads and all public roads that were in existence prior to the effective date of this Act shall not be required to occupy a minimum right-of-way width of thirty (30) feet under this subsection. A***[~~wide, but the~~] fiscal court***, an urban-county government,*** or a consolidated local government may order ***the minimum right-of-way***[~~it~~] to be a greater width. All roads added to the county through road system in a county containing a city of the first class or a consolidated local government in accordance with KRS 178.333 shall occupy a right-of-way width as ordered by the fiscal court or the consolidated local government.

(3) In acquiring a right-of-way for a county through road within any city, the fiscal court or the county court of a county containing a city of the first class or the consolidated local government may exercise any powers granted them by statute for the acquisition of property.

Section 4. KRS 178.070 is amended to read as follows:

The fiscal court may direct any county road to be discontinued. Notice must be published, according to the provisions of KRS 178.050, and in addition, notices must be placed at three (3) ***prominent and visible*** public places ***within one (1) mile***[~~in the vicinity~~] of the road. After[~~ the~~] posting ***the***[~~of~~] notices[~~ as aforesaid~~], the fiscal court shall appoint two (2) viewers who ***have no vested interest in the discontinuance of the road and who***, together with the county road engineer, shall view the road and report in writing at the hearing what inconvenience would result from the discontinuance. Upon ***presentation of the***[~~such~~] report and other evidences, if any, ***at a public meeting of the fiscal court,*** the court may discontinue the road.

Section 5. KRS 178.080 is amended to read as follows:

(1) When any person desires the establishment or alteration of a public road, bridge or landing, he shall petition the fiscal court setting forth in his petition specifically the nature and location of the proposed work. The court shall thereupon appoint two (2) viewers who, together with the county road engineer, shall view the ground and report in writing the advantages and disadvantages which, in their opinion, will result to the individual and to the public from the proposed work and the grades and bearings of the proposed road, and other facts and circumstances that may enable the fiscal court to determine whether the work ought to be undertaken by the county.

(2) If the petition is for the establishment or alteration of a public road leading from a main public road, the report shall set out whether such road should be established, stating specifically whether it would be necessary to take any burying ground, garden, yard, orchard, or any part thereof, or to injure or destroy any buildings and the probable cost of the work, the names of the landowners whose property would have to be taken or injured, which of them would require compensation and the probable amount to which each would be entitled. They shall make careful examination of routes or locations other than that proposed or petitioned for, keeping in view the possible future development of the county and the accommodations of the general traveling public, and shall report ***to the fiscal court at a public meeting*** in favor of the one they prefer, giving reasons for the preference. A map giving the grades and bearings of the routes or locations shall be returned with the report.

(3) If it appears to the fiscal court that the interests of the general public may be furthered thereby, the fiscal court shall personally examine the proposed work. If the court decides to undertake the proposed work the county judge/executive shall appoint a day for hearing the parties interested, and cause notices thereof to be given to all interested parties.

(4) If the county judge/executive at any time has sufficient evidence before him to enable him to ascertain what would be a just compensation to the proprietors and tenants, and if the proprietors and tenants are willing to accept what the county judge/executive deems just, the county judge/executive, upon such acceptance being reduced to writing and signed by the proprietors and tenants, may determine to undertake the work, subject to the consent and approval of the fiscal court.

Section 6. KRS 178.100 is amended to read as follows:

From a decision of the fiscal court ordering a new road to be opened, or ordering an alteration or discontinuance of an existing road, or allowing gates to be erected across a road or abolishing existing gates, or a decision refusing any such order, the party aggrieved may bring an action in the Circuit Court ***of the county where the road is located*** to contest the decision of the fiscal court.

Section 7. KRS 178.115 is amended to read as follows:

(1) Whenever the fiscal court of any county deems it to be in the best interest of ***the***~~[such]~~ county to open, establish or alter the location of any public road, street, alley, ditch, culvert, bridge or similar public way or structure in ***the***~~[such]~~ county, ***the***~~[said]~~ fiscal court shall adopt a resolution setting forth the necessity for ***the***~~[such]~~ public road or structure, and thereupon ***the***~~[such]~~ public road or structure shall be deemed opened, established or altered, as the case may be, on behalf of the county. A certified copy of ***the***~~[said]~~ resolution~~[or order]~~ shall be posted at the courthouse door of the county within five (5) days after its adoption and a certified copy of ***the***~~[said]~~ resolution shall be posted by the county road engineer of the county along or at the proposed road or structure within five (5) days after its adoption.

(2) In all cases where~~[such]~~ public roads or structures have been established, any person or persons aggrieved thereby may prosecute an appeal from ***a***~~[such order or]~~ resolution of the fiscal court by filing a petition in equity in the Circuit Court of the county ***where the road or structure is located*** setting forth his grievance, to which petition shall be attached an attested or certified copy of ***the***~~[such order or]~~ resolution. ***The***~~[Such]~~ petition shall be filed within thirty-five (35) days from the date ***the***~~[such order or]~~ resolution was entered. ***An***~~[Such]~~ appeal shall be heard and decided by the court without the intervention of a jury. Any party so appealing shall execute and file a bond for costs at the time such appeal is taken. An appeal to the Court of Appeals may be taken in accordance with the Rules of Civil Procedure.

Section 8. KRS 178.117 is amended to read as follows:

(1) Any person or corporation, public or private, or any group of such persons or corporations or both, residing in or owning property adjacent to any publicly dedicated road in unincorporated territory in ***any***~~[a]~~ county ***and***~~[containing a city of the first class or consolidated local government]~~ desiring to make any improvements to the publicly dedicated road shall submit to the fiscal court***, the urban-county government,*** or the consolidated local government for approval plans and specifications for its improvements at their own expense. Any~~[such]~~ request for private improvement shall include all the information required by KRS 184.020 to accompany a request for the creation of a public road district pursuant to that section.

(2) The sponsors of the private improvement of the publicly dedicated road shall present their request, together with the attached maps and estimates of cost, to the fiscal court***, the urban-county government,*** or the consolidated local government, who shall turn over to the county engineer for his ***or her*** consideration the maps and estimates of cost. In considering whether to permit the requested improvement, the fiscal court, ***the urban-county government,*** or the consolidated local government, and the county engineer shall follow the same procedures provided for in KRS 184.040 and the same appellate rights provided for in these sections are available to the petitioners. When the county engineer receives from the fiscal court***, the urban-county government,*** or the consolidated local government an application for approval of plans or specifications for the private improvement of publicly dedicated roads by some individual or corporation, or a combination thereof, the county engineer shall be authorized and empowered to examine, inspect, and investigate, as seems to be advisable, the sufficiency of the improvements which the application seeks to serve the purposes intended, and to establish and make reasonable charges for ***his or her***~~[such]~~ services on the basis of a schedule adjusted according to the services required to ***conduct the***~~[make such]~~ investigation or on any other reasonable method.

(3) When it appears to the county engineer that the completion of the improvement by or on behalf of any~~[such]~~ individual or corporation requires inspection and supervision in order to assure the protection of the public safety and the proper subsequent completion of ***the***~~[such]~~ work for the purposes intended, the county engineer shall include~~[such]~~ findings in his ***or her*** recommendation to the fiscal court***, the urban-county government,*** or the consolidated local government approving, modifying, or disapproving the particular plans and projects, and shall charge ***the***~~[such]~~ person or corporation for ***the***~~[such]~~ inspection and supervision on the basis of the actual cost of inspection plus a reasonable additional cost of supervision.

Section 9. KRS 178.405 is amended to read as follows:

When any private road, street, or highway~~[established prior to February 12, 1969,]~~ in an unincorporated area in ***any***~~[a]~~ county~~[containing a city of the first class or a consolidated local government, which area is not within the jurisdictional boundaries of a city of the second through sixth classes of cities,]~~ has been used by the general public openly, continuously, and notoriously for a period of at least fifteen (15) years, it shall be implied that such road, street, or highway may be dedicated to public use; Provided, that fifty-five percent (55%) of all property owners abutting the private road, street, or highway sign a petition stating that they are willing to dedicate the road, street, or highway to public use.

Section 10. KRS 178.415 is amended to read as follows:

When the fiscal court has made a determination in accordance with the provisions of KRS 178.410 that the road, street, or highway has been dedicated to public use, the county shall have a fee simple title to the part of the road, street, or highway which the plat, filed in the office of the county clerk, indicates as being for street purposes. However, if the road, street, or highway is dedicated in accordance with the provisions of KRS 178.405, and a plat does not exist, then the fiscal court shall establish a ***thirty (30)***~~[fifty (50)]~~ foot minimum width as a condition precedent to dedication to public use***, unless the fiscal court finds that a thirty (30) foot minimum cannot be met due to the topography of the road or other extraordinary circumstances***.

Section 11. The following KRS section is repealed:

178.155 Effect of lack of maintenance of road by county for fifteen years.

Representative Ballard moved that the House concur in the Senate Committee Substitute to **HB 199**. Agreed.

Representative Ballard moved that **HB 199**, by way of the Senate Committee Substitute, be passed.

On the roll call the vote was: **Yeas 91, Nays 0** (See March 25, 2004, roll call on **HB 199** - Appendix.)

HB 199, by way of the Senate Committee Substitute, was passed and the title agreed to.

Representative Ballard moved that the vote by which **HB 199**, by way of the Senate Committee Substitute, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 163, with Senate Committee Substitute attached thereto, taken from the Orders of the Day. Representative Adkins moved that it be placed upon its passage for concurrence or non concurrence. Agreed.

The Senate Committee Substitute to **HB 163** is as follows:

HB 163, AN ACT relating to school finance.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS 160.613 TO 160.617 IS CREATED TO READ AS FOLLOWS:

As used in KRS 160.613 to 160.617:

(1) "Cabinet" means the Revenue Cabinet;

(2) "Communications service" shall have the same meaning as provided in KRS 139.195 but does not include:

- ***(a) Prepaid calling services;***
- ***(b) Interstate telephone service, if the interstate charge is separately itemized for each call; and***
- ***(c) If the interstate calls are not itemized, the portion of telephone charges identified and set out on the customer's bill as interstate as supported by the provider's books and records.***

(3) "Gross cost" means the total cost of utility services including the cost of the tangible personal property and any services associated with obtaining the utility services regardless from whom purchased.

(4) "Gross receipts" means all amounts received in money, credits, property, or other money's worth in any form, as consideration for the furnishing of utility services.

(5) "Utility services" means the furnishing of communications services, electric power, water, and natural, artificial, and mixed gas.

Section 2. KRS 160.613 is amended to read as follows:

(1) There is hereby authorized a utility gross receipts license tax for schools not to exceed three percent (3%) of the gross receipts derived from the furnishing, within the ***district***[~~county~~], of ***utility services***[~~telephonic and telegraphic communications services, electric power, water, and natural, artificial, and mixed gas. "Gross receipts" includes all amounts received in money, credits, property, or other money's worth in any form, as consideration for the furnishing of the above utilities~~], except that "gross receipts" shall not include amounts received for furnishing energy or energy-producing fuels, used in the course of manufacturing, processing, mining, or refining to the extent that the cost of the energy or energy-producing fuels used exceeds three percent (3%) of the cost of production, and shall not include amounts received for furnishing any of the above utilities which are to be resold.

(2) ***If***[~~In the event that~~] any user of ***utility services***[~~telephonic and telegraphic communications services, electrical power, water, and natural, artificial, or mixed gas~~] purchases the ***utility services***[~~telephonic and telegraphic communications services, electrical power, water, and natural, artificial, or mixed gas~~] directly from any supplier who is exempt either by state or federal law from the utility gross receipts license tax[~~ under the provisions of subsection (1) of this section~~], then the consumer, if ***the***[~~such~~] tax has been levied in ***the consumer's***[~~his~~] district, shall be liable for the tax and shall pay directly to the ***cabinet***[~~county finance officer~~], in accordance with the provisions of KRS 160.615, a utility gross receipts license tax for schools computed by multiplying the gross cost of all ***utility services***[~~telephonic and telegraphic communications services, electrical power, water, and natural, artificial, or mixed gas~~] received by the tax rate levied under the provisions of this section.

[~~(3) "Gross cost" shall mean the total cost of the telephonic and telegraphic communications, electrical power, water, and natural, artificial, or mixed gas including the cost of the tangible personal property and any services associated with obtaining the telecommunication and telegraphic services or tangible personal property, such as gas, electricity, and water, regardless from whom purchased.~~

~~(4) The tax imposed by this section shall apply to mobile telecommunications services as defined in 4 U.S.C. sec. 124 only if the customer's place of primary use is within the jurisdictional boundaries of the taxing jurisdiction. The provisions of 4 U.S.C. secs. 116 to 126 are hereby adopted and incorporated by reference.~~

~~(5) If a customer believes that a tax, charge, fee, or assignment of place of primary use or taxing jurisdiction on a bill is incorrect, the customer shall notify the home service provider about the alleged error in writing. This notification shall~~

~~include the street address for the customer's place of primary use, the account name and number for which the customer seeks a correction, a description of the alleged error, and any other information that the home service provider reasonably requires. Within sixty (60) days of receiving the customer's notification, the home service provider shall either correct the error and refund or credit all taxes, charges, and fees incorrectly charged to the customer within four (4) years of the customer's notification, or explain to the customer in writing how the bill was correct and why a refund or credit will not be made.~~

~~(6) A customer shall not have a cause of action against a home service provider for any erroneously collected taxes, charges, or fees until the customer has exhausted the procedure set forth in subsection (5) of this section.]~~

Section 3. KRS 160.614 is amended to read as follows:

(1) A utility gross receipts license tax initially levied by a school district board of education on or after July 13, 1990, shall be levied on the gross receipts derived from the furnishing of cable television services in addition to the gross receipts derived from the furnishing of the *utility* services *defined in Section 1 of this Act*[~~enumerated in KRS 160.613~~].

(2) A utility gross receipts license tax initially levied by a school district board of education prior to July 13, 1990, shall be levied on the gross receipts derived from the furnishing of cable television services, in addition to the gross receipts derived from the furnishing of the *utility* services *defined in Section 1 of this Act*[~~enumerated in KRS 160.613~~], if the school district board of education repeats the notice and hearing requirements of KRS 160.603, but only as to the levy of the tax on the gross receipts derived from the furnishing of cable television services.

Section 4. KRS 160.615 is amended to read as follows:

(1) The school taxes authorized by *Sections 2 and 3 of this Act*[~~KRS 160.613~~] shall be due and payable monthly and shall be remitted *to the cabinet* on or before the twentieth day of the next succeeding calendar month.

(2) On or before the twentieth day of the month following each calendar month, a return for the preceding month shall be filed with the cabinet in the form prescribed by the cabinet, together with any tax due.

(3) For purposes of facilitating the administration, payment or collection of the taxes levied by Sections 2 and 3 of this Act, the cabinet, in consultation with the impacted school district, may permit or require returns or tax payments for periods other than those prescribed in subsections (1) and (2) of this section.

(4) The cabinet may, upon written request received on or prior to the due date of the return or tax, for good cause satisfactory to the cabinet, extend the time for filing the return or paying the tax for a period not to exceed thirty (30) days.

(5) Any person to whom an extension is granted and who pays the tax within the period for which the extension is granted shall pay, in addition to the tax, interest at the tax interest rate as defined in KRS 131.010(6) from the date on which the tax would otherwise have been due.

SECTION 5. A NEW SECTION OF KRS 160.613 TO 160.617 IS CREATED TO READ AS FOLLOWS:

For purposes of administering the taxes authorized by Sections 2 and 3 of this Act relating to the sourcing of communications services and the rights of customers, the provisions of KRS 139.105(2), KRS 139.195, and KRS 139.775 shall apply.

SECTION 6. A NEW SECTION OF KRS 160.613 TO 160.617 IS CREATED TO READ AS FOLLOWS:

(1) The cabinet shall collect all taxes imposed by school districts pursuant to Sections 2 and 3 of this Act, and shall have all the powers, rights, duties, and authority with respect to the collection, refund, and administration of these taxes as provided under KRS Chapters 131, 134, and 135, except as otherwise provided in KRS 160.613 to 160.617. The cabinet shall distribute the taxes collected to each school district imposing the tax on a monthly basis. Distributions shall be made in accordance with the district boundary information submitted to the cabinet pursuant to Section 9 of this Act, as modified by any adjustments or agreements made pursuant to the provisions of Section 7 of this Act.

(2) From each distribution, the cabinet shall deduct an amount which represents the proportionate share of the cabinet's actual operating and overhead expenses incurred in the collection and administration of the taxes not to exceed one percent (1%) of the amount collected. The cabinet shall report its actual expenses and the allocation of expenses among school districts to the Kentucky Board of Education on a quarterly basis.

(3) As soon as practicable after each return is received, the cabinet may examine and audit it. If the amount of tax computed by the cabinet is greater than the amount returned by the taxpayer, the excess shall be assessed by the cabinet on behalf of the school district within two (2) years from the date prescribed by law for the filing of the return including any extensions granted, except as provided in this section. A notice of the assessment shall be mailed to the taxpayer.

(4) In the case of a failure to file a return or the filing of a fraudulent return, the excess may be assessed at any time.

SECTION 7. A NEW SECTION OF KRS 160.613 TO 160.617 IS CREATED TO READ AS FOLLOWS:

(1) If the cabinet determines that the allocation among districts as submitted by the taxpayer on the return varies from the school district boundary information submitted to the cabinet pursuant to Section 9 of this Act, the cabinet shall:

(a) Make a proposed administrative adjustment to correct the erroneous allocation going forward;

(b) Determine whether the erroneous allocation was used on prior returns and if it was, make a proposed administrative adjustment going back a maximum of one (1) year from the date the erroneous allocation was

discovered; and

(c) Retain taxes collected and still on hand for distribution to the impacted districts that are related to the erroneous allocation until the proposed administrative adjustment becomes final.

(2) Within ten (10) days of the discovery of the erroneous allocation, the cabinet shall notify the taxpayer and the impacted school districts in writing of the allocation discrepancy, including the dollar amount at issue, the proposed administrative adjustment to be made, and the process for agreeing to or filing an exception to the proposed administrative adjustment.

(3) The proposed administrative adjustment shall become final upon the earlier of the receipt by the cabinet of written acceptance of the administrative adjustment by all impacted school districts or the expiration of forty-five (45) days from the date of the notice with no exception having been filed.

(4) (a) Exceptions to the proposed administrative adjustment shall be filed with the secretary of the cabinet, within forty-five (45) days from the date of the notice, and shall include a supporting statement setting forth the basis of the exception. A copy of any exception filed shall also be mailed to the impacted utility services provider and any other impacted school district.

(b) After the exception has been filed, the impacted school district may request a conference with the cabinet. The request shall be granted in writing stating the time and date of the conference. Other impacted school districts and the impacted utility services provider may also attend any conference. Additional conferences may be held upon mutual agreement.

(c) After considering the exceptions filed by the impacted school district, including any information provided during any conferences, a final administrative ruling shall be issued by the cabinet. The final administrative ruling shall be mailed to all impacted school districts as well as the impacted utility services provider.

(d) The impacted school district filing the exception may request in writing a final ruling at any time after filing exceptions and a supporting statement, and the cabinet shall issue the ruling within thirty (30) days after the request is received by the cabinet.

(e) After a final ruling has been issued, the school district may appeal to the Franklin Circuit Court or to the Circuit Court of the county in which the school district is located.

(5) The method and timing of the implementation of a final administrative ruling that requires a reallocation of previously distributed tax receipts shall be determined by agreement of the impacted school districts, provided that any agreement allowing for adjustments to be made over time in the future shall not extend beyond four (4) years.

(a) The cabinet shall, upon request of the impacted school districts, assist in the development of an agreement.

(b) An agreement that requires distribution changes that vary from the district boundary information shall be provided to the cabinet so that distributions can be made in accordance with the agreement.

(c) If the impacted school districts fail to reach an agreement regarding the reallocation of previously distributed tax receipts, the cabinet shall adjust distributions going forward for four (4) years so that at the expiration of four (4) years, the district that should have received the original distribution has recouped all of the funds distributed erroneously, and the district that erroneously received the funds has repaid all of the funds distributed erroneously.

SECTION 8. A NEW SECTION OF KRS 160.613 TO 160.617 IS CREATED TO READ AS FOLLOWS:

(1) Any utility service provider that has paid the utility gross receipts tax imposed by a school district pursuant to Sections 2 and 3 of this Act may request a refund or credit for any overpayment of tax or any payment where no tax was due within two (2) years after the tax due date, including any extensions granted.

(2) A request for refund shall be in writing, and shall be made to the cabinet with a copy to the school district to which the tax was allocated. The request shall state the amount requested, the applicable period, and the basis for the request.

(3) Refunds shall be authorized by the cabinet, in consultation with the chairman or finance officer of the district board of education, with interest as provided in KRS 131.183.

(4) The cabinet shall make authorized refunds from current tax collections in its possession for the district. If sufficient funds are not available, the cabinet shall notify the school district and the school district shall make the refund.

(5) If the cabinet denies a requested refund in whole or in part, the taxpayer may appeal the denial to the Circuit Court in the county where the school district is located.

SECTION 9. A NEW SECTION OF KRS 160.613 TO 160.617 IS CREATED TO READ AS FOLLOWS:

(1) The superintendent of schools in each school district levying the tax permitted by KRS 160.593 shall, on or before March 31, 2005 provide to the cabinet and to each entity providing utility services within the school district, the boundaries of the school district.

(2) If the boundaries reported to the cabinet and to each entity providing utility services within the school district change, the superintendent of schools shall report the boundary changes to the cabinet and to each entity providing utility services within the school district.

(3) The cabinet and entities providing utility services within the school district shall allocate tax payments among the

various school districts imposing the taxes authorized by Sections 2 and 3 of this Act in accordance with the most recent boundary information provided by the superintendents, as adjusted by any agreements entered into pursuant to Section 7 of this Act. The cabinet and entities providing utility services within a school district shall not be responsible for nor subject to the imposition of penalties or interest relating to, distribution errors resulting from incorrect boundary information provided pursuant to this section, and may rely upon the most recent boundary information and any agreements entered into pursuant to Section 7 of this Act and provided by each superintendent as accurate.

(4) If there is a conflict regarding school district boundaries, the cabinet may, until the conflict is resolved, distribute the total tax revenues collected for the districts involved in the conflict proportionately to the districts based upon the average daily attendance in the districts for the previous school year.

SECTION 10. A NEW SECTION OF KRS 160.613 TO 160.617 IS CREATED TO READ AS FOLLOWS:

The uniform penalty provisions of KRS 131.180 shall apply to all taxes levied by school districts pursuant to Sections 2 and 3 of this Act.

SECTION 11. A NEW SECTION OF KRS 160.613 TO 160.617 IS CREATED TO READ AS FOLLOWS:

Notwithstanding any other provisions to the contrary, the secretary of the cabinet, in consultation with impacted school district, shall waive any penalty, but not interest, where it is shown to the satisfaction of the cabinet that the failure to file or pay timely is due to reasonable cause.

SECTION 12. A NEW SECTION OF KRS 160.613 TO 160.617 IS CREATED TO READ AS FOLLOWS:

The taxes collected by the cabinet pursuant to KRS 160.613 to 160.617 are remitted to the cabinet for administrative purposes only and shall remain the property of the local school districts levying the tax. The amounts so collected shall not be distributed, allocated, expended, or used in any manner except as provided in KRS 160.613 to 160.617.

Section 13. KRS 160.617 is amended to read as follows:

Notwithstanding the provisions of KRS 278.040(2), any utility ***services provider*** required to pay the tax authorized by KRS 160.613 may increase its rates in any ***school district***[~~county~~] in which it is required to pay the school tax by three percent (3%). Any utility so increasing its rates shall separately state on the bills sent to its customers the amount of ***the***[~~such~~] increase and shall identify ***the***[~~such~~] amount as: "Rate increase for school tax."

Section 14. KRS 160.640 is amended to read as follows:

Any person having custody of the proceeds of any school tax authorized by KRS 160.605 to 160.611, 160.613 to 160.617, and 160.621 to 160.633***, except the Revenue Cabinet,*** shall be required to secure a corporate surety bond in an amount to be set by the Kentucky Board of Education. The cost of the surety bond shall be considered a part of the cost of the administration of the school taxes authorized under KRS 160.605 to 160.611, 160.613 to 160.617, and 160.621 to 160.633.

Section 15. KRS 160.648 is amended to read as follows:

(1) Any person, individual, or corporation required by the provisions of KRS 160.605 to 160.611[~~, 160.613 to 160.617,~~] and 160.621 to 160.633 to file any return or report or furnish any information requested under the authority of KRS 160.605 to 160.611[~~, 160.613 to 160.617,~~] and 160.621 to 160.633 who fails to file such return or report or furnish such information on or before the date required shall pay a penalty in the amount of ten dollars ($10) for each[~~ such~~] failure.

(2) Any person, individual, or corporation who fails to pay, on or before the due date, any school tax authorized by KRS 160.605 to 160.611[~~, 160.613 to 160.617,~~] and 160.621 to 160.633 and levied by the district board of education shall pay a penalty of one percent (1%) per month of the amount of such tax past due until paid.

Section 16. KRS 160.520 is amended to read as follows:

The laws applying to penalties on and the collection of delinquent school taxes***, except the taxes imposed by KRS 160.613 to 160.617*** shall be the same as the general laws applying to penalties on and the collection of delinquent taxes of the taxing districts which embrace the various school districts.

Section 17. This Act takes effect July 1, 2005.

Representative Moberly moved that the House concur in the Senate Committee Substitute to **HB 163**. Agreed.

Representative Moberly moved that **HB 163**, by way of Senate Committee Substitute, be passed.

On the roll call the vote was: **Yeas 94, Nays 0** (See March 25, 2004, roll call on **HB 163** - Appendix.)

HB 163, by way of Senate Committee Substitute, was passed and the title agreed to.

Representative Moberly moved that the vote by which **HB 163**, by way of Senate Committee Substitute, was passed be reconsidered and said motion be placed on the table. Agreed.

HCR 8, with Senate Committee Substitute and Senate Committee Amendment attached thereto, taken from the Orders of the Day. Representative Adkins moved that it be placed upon its passage for concurrence or non concurrence. Agreed.

The Senate Committee Substitute to **HCR 8** is as follows:

HCR 8, A CONCURRENT RESOLUTION directing the Legislative Research Commission to establish a task force to examine the development of the Lexington/Big Sandy Rail Trail, and suggest a strategy for its completion.

WHEREAS, the conversion of abandoned or unused railroad trails for pedestrian and nonmotorized use has become national policy through the National Trails Systems Act; and

WHEREAS, Rails to Trails projects throughout the United States have been shown to strengthen local economies through tourism and job development, preserve cultural and historic areas, protect natural green spaces, create family and individual recreational opportunities, preserve transportation options, encourage healthy lifestyles, and enhance community prosperity; and

WHEREAS, over 10,000 miles of rail-trails have been created across the country, but Kentucky has approximately 50 rail-trail miles; and

WHEREAS, the Lexington/Big Sandy Rail Trail was designated a Community Millennium Trail and has the potential to improve the quality of life for Kentucky citizens and connect communities stretching 109 miles from Lexington to Ashland;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:

Section 1. The Interim Joint Committee on Economic Development and Tourism, or its logical successor, shall conduct a study focusing on the development of the Lexington/Big Sandy Rail Trail and suggest a strategy for its completion.

Section 2. The committee shall report its findings and recommendations to the Legislative Research Commission no later than December 17, 2004. The report shall include at least the following:

(1) Solutions for overcoming existing barriers to the trail's development;

(2) Potential funding sources to complete the trail;

(3) Projected date for completion of the trail;

(4) Recommendations on entities best suited to implement the strategy for the trail's completion; and

(5) Recommendations on entities best suited to administer the trail, in both the short and long term.

Section 3. Provisions of this resolution to the contrary notwithstanding, the Legislative Research Commission shall have the authority to alternatively assign the issues identified herein to an interim joint committee or subcommittee thereof, and to designate a study completion date.

Representative Vincent moved that the House concur in the Senate Committee Substitute to **HCR 8**. Agreed.

Representative Vincent moved that **HCR 8**, by way of Senate Committee Substitute, be adopted.

On the roll call the vote was: **Yeas 90, Nays 0**. (See March 25, 2004, roll call on **HCR 8** - Appendix.)

HCR 8, by way of Committee Substitute by the Senate, was adopted.

Representative Vincent moved that the adoption of the Senate Committee Amendment No. 1 Title to **HCR 8**. Agreed.

The Senate Committee Amendment No. 1 Title to **HCR 8** is as follows:

HCR 8, By amending the title to read as follows: "A CONCURRENT RESOLUTION directing the Interim Joint Committee on Economic Development and Tourism to conduct a study on the development of the Lexington/Big Sandy Rail Trail and to suggest a strategy for its completion.".

Representative Vincent moved that the vote by which **HCR 8**, by way of Senate Committee Substitute as amended by the Senate, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 577, with Senate Committee Substitute attached thereto, taken from the Orders of the Day. Representative Adkins moved that it be placed upon its passage for concurrence or non concurrence. Agreed.

The Senate Committee Substitute to **HB 577** is as follows:

HB 577, AN ACT relating to coalbed methane development and making an appropriation therefor.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. KRS CHAPTER 349 IS ESTABLISHED AND A NEW SECTION THEREOF IS CREATED TO READ AS FOLLOWS:

(1) The General Assembly hereby declares:

(a) The venting of coalbed methane and degasification of coal seams is approved by the Commonwealth for the purpose of ensuring the safe recovery of coal;

(b) The positive economic impact of coal mining to the Commonwealth is currently greater than that of coalbed methane production;

(c) Coalbed methane is not found in conventional gas reservoirs;

(d) Any development of coalbed methane should be undertaken in a way to protect and preserve the environment and protect and preserve the coal for future safe mining and the maximum recovery of coal;

(e) Commercial recovery and marketing of coalbed methane should be facilitated whenever appropriate to meet the energy needs of both the Commonwealth and the United States;

(f) The extraction of methane from mineable coal enhances mine safety, promotes environmental goals and objectives, and conserves an important energy resource; and

(g) The Energy Policy Act of 1992 was enacted, in part, to encourage coalbed methane development and the Commonwealth should enact legislation to carry out the purpose of that Act.

(2) Therefore, in order to encourage and ensure the fullest practical safe recovery of both coal and coalbed methane, consistent with the above declarations and findings, this chapter is established to:

(a) Authorize coalbed methane well permits;

(b) Regulate the design of coalbed methane wells and recovery techniques;

(c) Authorize coalbed methane well drilling units and pooling interests therein;

(d) Establish field rules; and

(e) Provide a process to enable coalbed methane well operators and coalbed methane owners to proceed with the orderly development and production of coalbed methane pending the judicial resolution of issues relating to coalbed methane ownership.

(3) Notwithstanding subsections (1) and (2) of this section, the General Assembly expressly finds that establishing an orderly process to permit and produce coalbed methane shall in no way be construed to create an inference or presumption as to the ownership of coalbed methane in any judicial or administrative proceeding, or be construed to or be used or interpreted to apply to any well otherwise permitted, approved, or regulated under KRS Chapter 353, except for any wells that are to be permitted, converted to, or operated as coalbed methane wells.

(4) It is hereby declared to be the public policy of this Commonwealth and in the public interest to:

(a) Safeguard, preserve, and protect coal seams for safe mining; facilitate the expeditious, safe evacuation of coalbed methane from the coalbeds of this state; and maintain the ability and right of coal operators at all times to vent coalbed methane from mine areas for the safe recovery of coal;

(b) Foster, encourage, and promote the commercial development of the Commonwealth's coalbed methane by establishing procedures for issuing permits and forming drilling units for coalbed methane wells without adversely affecting the safety of mining or the mineability of coal seams;

(c) Safeguard, protect, and enforce the correlative rights of coalbed methane operators and coalbed methane owners in a pool of coalbed methane so that each operator and owner may obtain his or her just and equitable share of production from coalbed methane;

(d) Create a state permitting procedure and authority to provide for and facilitate coalbed methane development as encouraged by the Energy Policy Act of 1992; and

(e) Seek the deletion of the Commonwealth of Kentucky from the list of affected states by the Secretary of the United States Department of Interior as provided for in the Energy Policy Act of 1992.

SECTION 2. A NEW SECTION OF KRS CHAPTER 349 IS CREATED TO READ AS FOLLOWS:

As used in this chapter:

(1) "Abandoned" when used in connection with a well or hole means a well or hole which has never been used, or which, in the opinion of the department, will no longer be used for the production of coalbed methane or the injection or disposal of fluid therein;

(2) "Coal interest holder" means every record coal owner, record coal lessee, mine licensee as defined in KRS 352.010(1)(r) and mine permittee as defined in KRS 350.010(21) whose coalbed is penetrated, or proposed to be penetrated, by a coalbed methane well;

(3) "Coalbed" or "coal seam" means a seam of coal, whether workable or unworkable;

(4) "Coalbed methane" means gas produced from a reservoir found in a coalbed, a mined-out area, or gob;

(5) "Coalbed methane well" means any well drilled, deepened, converted, or reopened for the purpose of capturing coalbed methane for sale or use. Any well initially used for a coal mining-related purpose, such as a vent well, but which is subsequently used for the purpose of recovering coalbed methane for sale or use, shall then be deemed to be a

coalbed methane well and shall comply with the provisions of this chapter at the time that the well is converted or used for the purpose of recovering coalbed methane for sale or use;

(6) "Commissioner" means the commissioner of the Department of Natural Resources;

(7) "Correlative rights" means the reasonable opportunity of each person entitled to recover, without waste, the coalbed methane in and under his or her tract or tracts, or the equivalent thereof;

(8) "Department" means the Department of Natural Resources;

(9) "Director" means the director of oil and gas conservation as established in KRS 353.530;

(10) "Drilling unit" means the maximum area in a pool which may be drained efficiently by one (1) well so as to produce the reasonable maximum recoverable coalbed methane in the area. Where the department has provided rules for the establishment of a drilling unit and an operator, proceeding within the framework of the rules so prescribed, has taken the action necessary to have a specified area established for production from a well, the area shall be a drilling unit;

(11) "DSMRE" means the Department for Surface Mining Reclamation and Enforcement as established in KRS 350.035;

(12) "Field rules" means rules established by orders of the review board relating to the drilling, completion, production of, and specifications for coalbed methane wells in a particular geographic area as defined by an order;

(13) "Gob" means the de-stressed zone associated with any full-seam extraction of coal that extends above and below the mined-out coalbed;

(14) "Gob well" means a well drilled or a vent hole converted to a well pursuant to this chapter which produces or is capable of producing coalbed methane for sale or use, from a de-stressed zone associated with any full seam extraction of coal that extends above or below a mined-out coalbed;

(15) "Horizontally drill" or "horizontal drilling" means the intentional act of drilling a borehole, shaft, or hole, which deviates from vertical for the purpose of penetrating a coal seam to produce coalbed methane;

(16) "Mine licensee" means the mine licensee as defined in KRS 352.010(1)(r);

(17) "Mine permittee" means the permittee as defined in KRS 350.010(21);

(18) "Nonparticipating working interest owner" means a coalbed methane owner or lessee of a tract included in a drilling unit who elects to share in the operation of the coalbed methane well on a carried basis by agreeing to have his or her proportionate share of the costs allocable to his or her interest charged against his or her share of production from the coalbed methane well;

(19) "Nonparticipating operator" means a nonparticipating working interest owner who is also the operator of the coalbed methane well;

(20) "Operator" means any owner of the right to drill, develop, operate, and produce coalbed methane from a pool and to appropriate the coalbed methane produced therefrom, either for himself or herself, or for himself, herself, and others; in the event there is no coalbed methane lease in existence with respect to the tract in question, the owner of the coalbed methane rights therein shall be considered as an "operator" to the extent of seven-eighths (7/8) of the coalbed methane in that portion of the pool underlying the tract owned by that owner, and as a "royalty owner" as to one-eighth (1/8) interest in that coalbed methane;

(21) "Other interested coalbed methane parties" means all working interest owners other than the operator, all royalty and overriding royalty interest owners or holders, and any other party who owns or holds a right or interest in a drilling unit, coalbed methane well site for which a drilling permit has been issued or is pending, and all associated equipment, facilities, infrastructure, and improvements;

(22) "Participating working interest owner" means a coalbed methane owner or lessee who elects to bear a share of the risks and costs of drilling, completing, equipping, operating, plugging, and abandoning a coalbed methane well equal to the proportion which the acreage in the drilling unit he or she owns or holds under lease bears to the total acreage of the drilling unit;

(23) "Participating operator" means a participating working interest owner who is also the operator of the coalbed methane well;

(24) "Person" means any person, corporation, association, partnership, limited liability company, receiver, governmental agency subject to this chapter, trustee, so-called common law or statutory trust, guardian, executor, administrator, or fiduciary of any kind, federal agency, state agency, city, commission, political subdivision of the Commonwealth, or any interstate body;

(25) "Plat" means a map, drawing, or print showing the location of a well;

(26) "Review board" means the Coalbed Methane Well Review Board;

(27) "Royalty owner" means any owner of coalbed methane in place, or coalbed methane rights, to the extent that the owner is not an operator as defined in subsection (20) of this section;

(28) "Stimulate" means any action taken to increase the flow of coalbed methane, or the inherent productivity of a coalbed methane well, including but not limited to fracturing, shooting, acidizing, or waterflooding, but excluding cleaning out, bailing, or workover operations;

(29) "Surface owner" means the person in whose name the surface of the land is assessed for purposes of taxes imposed according to the property valuation administrator;

(30) "Unit" means any tract or tracts which the department has determined are underlaid by a pool or pools of coalbed methane and are not drilling units as defined in subsection (10) of this section;

(31) "Unitization" means the act of combining separately owned tracts or separate interests therein into a unit constituting all or some portion of a coalbed that produces or is capable of producing coalbed methane and the joint operation of that unit;

(32) "Unit operator" means the party designated in a pooling order to develop a unit by the drilling of one (1) or more coalbed methane wells;

(33) "Vent hole" means a borehole, shaft driven, or hole dug, drilled, deepened, converted or reopened, which is used for the purpose of releasing or venting coalbed methane to the atmosphere and not for the purpose of capturing or producing coalbed methane for sale or use;

(34) "Venting" means the act of releasing coalbed methane to the atmosphere;

(35) "Well" means any borehole, shaft driven, or hole dug, drilled, deepened, converted or reopened for the purpose of capturing or producing coalbed methane for sale or use; and

(36) "Workable coalbed" means:

  (a) Any coalbed twenty-four (24) inches or more in thickness;

  (b) Any coalbed actually being operated commercially;

  (c) Any coalbed that the department decides can be operated commercially, and the operation of which can reasonably be expected to commence within not more than ten (10) years; or

  (d) Any coalbed that, from outcrop indication or other definite evidence, proves to the satisfaction of the department to be workable and, when operated, will require protection if wells are drilled through or into it.

SECTION 3. A NEW SECTION OF KRS CHAPTER 349 IS CREATED TO READ AS FOLLOWS:

(1) Before a permit may be issued by the department to drill a coalbed methane well on any tract known to be underlaid with coal-bearing strata, the well operator shall provide to the department a plat prepared by a licensed, professional land surveyor and a licensed, professional engineer showing:

  (a) The county in which the coalbed methane well drill site is located;

  (b) The name of the surface owner of the drill site tract, the acreage of the drill site tract, the names of the surface owners of adjacent tracts, the names of all coal interest holders from the surface to fifty (50) feet below the deepest penetration of the coalbed methane well on the tract on which the well is proposed to be located, and the names of all oil and gas owners from the surface to one hundred (100) feet below the deepest penetration of the coalbed methane well on the tract on which the well is proposed to be located;

  (c) The proposed or actual location of the coalbed methane well determined by bearing and distance, relative to two (2) permanent points or monuments that appear on the applicable United States Geological Survey seven and one-half (7-1/2) minute topographic quadrangle map;

  (d) The location of any other existing or permitted coalbed methane well or any oil or gas well located within one thousand five hundred (1,500) feet of the well;

  (e) The outside boundary of the mineral tract from which the coalbed methane is to be produced if within seven hundred fifty (750) feet of the well; and

  (f) The number to be given the coalbed methane well, the earliest date for commencement of drilling, the earliest date for commencement of any stimulation of the coalbed methane well, and if horizontal drilling of a coalbed methane well is proposed, the vertical and horizontal alignment and extent of the coalbed methane well.

(2) If the location of any coalbed methane well proposed to be drilled, deepened, or reopened is known to be underlaid by a coal bearing stratum which is not within the area of an existing mining permit or the proposed permitted area of a pending application or permit modification for a mine before the DSMRE, simultaneously with the filing of an application for a permit, the applicant shall send, by registered or certified mail, a copy of the required plat to the record coal owner or owners and record coal lessee or lessees from the surface to fifty (50) feet below the deepest penetration of the coalbed methane well on the tract on which the well is proposed to be located.

(3) If the coal bearing stratum is within the area of an existing mining permit or the proposed permitted area of a pending application or permit modification for a mine before the DSMRE, a copy of the required plat shall also be sent by the applicant, by registered or certified mail, to each mine licensee and mine permittee operating any stratum as designated on the current license issued by the department and at the address stated thereon.

(4) A copy of the required plat shall also be sent, by registered or certified mail, simultaneously with the filing of an application for a permit, to the surface owner of the drill site tract and surface owners of adjoining tracts.

(5) If the address of any record owner is unknown to the applicant and cannot upon diligent inquiry within the county be ascertained, or if there are more than five (5) record owners, then the applicant shall file with the department an

affidavit that either condition exists, and the department may prescribe some different method of notifying the record owner in lieu of sending a copy of the plat and notice of application as required by this section.

(6) The plat shall be filed and become a permanent record, subject to inspection at any time by any interested person. Any executive officer, process agent, or chief engineer of the mine licensee or mine permittee may be considered a mine licensee or mine permittee for the purposes of mailing the required copy of the plat.

(7) If a coalbed methane well is proposed to be drilled, deepened, converted, or reopened by an applicant who is not the owner or lessee of all of the oil and gas interests, the applicant shall, simultaneously with the filing of the application for a permit, send by registered or certified mail a copy of the required plat to the record oil and gas lessees of, to the record oil and gas lessors of, and to the operator of all oil and gas wells producing from, all formations from the surface to one hundred (100) feet below the deepest penetration of the coalbed methane well on the tract upon which the well is proposed to be located.

(8) The operator shall promptly upon completion of either a vertically drilled coalbed methane well located ten (10) feet or more from the location reflected on the plat required with the permit application or a horizontally drilled coalbed methane well file with the department an as-drilled plat prepared by a licensed professional land surveyor and a licensed professional engineer reflecting the actual coalbed methane well location. If the operator has completed a horizontally drilled coalbed methane well, the as-drilled plat shall show its alignment and extent. The plat shall become a permanent record subject to inspection at any time by any interested persons.

(9) Each plat, or exhibit attached thereto, shall have the following information on a form supplied by the department:

(a) Notice of the application for a coalbed methane well and the address where a copy of the application may be obtained;

(b) A statement that the recipient has twenty (20) days within which to file an objection to the proposed coalbed methane well, its location, the proposed stimulation in the workable coalbed, or the proposed completion in the workable coalbed; and

(c) A statement that the applicant has met and conferred with, or offered to meet and confer with, each coal interest holder concerning the proposed coalbed methane well, its location, the proposed stimulation in the workable coalbed, or the proposed completion in the workable coalbed.

SECTION 4. A NEW SECTION OF KRS CHAPTER 349 IS CREATED TO READ AS FOLLOWS:

(1) If the drilling of a coalbed methane well could adversely affect the present or future use or operation of a workable coalbed, any coal interest holder may object to a proposed coalbed methane well, the well's location, the proposed stimulation in the workable coalbed, or the proposed completion in the workable coalbed. Any coal interest holder, within twenty (20) days of receipt of the plat by him or her and by the department, may file specific objections in writing with the department. The filed objections shall provide sufficient detail for the applicant to identify the nature and substance of the objection. The department shall notify the applicant of the objections and fix a time and place for a hearing before the review board to be conducted in accordance with KRS Chapter 13B and this chapter.

(2) If any coal interest holder, notified pursuant to Section 3 of this Act, or any other person, claims to have a valid real property interest in, or the current legal right to produce, coalbed methane, the person claiming the real property interest or right shall notify the applicant and the department, in writing, within twenty (20) days from the receipt of the plat by him or her and by the department. The person also shall request that a pooling order be entered pursuant to subsection (1) of Section 16 of this Act.

(3) If the record oil and gas lessor, lessee, or well operator notified pursuant to Section 3 of this Act, or any other person, claims to have a valid real property interest in, or the current legal right to produce, coalbed methane, the person claiming the real property interest or right shall notify the applicant and the department, in writing, within twenty (20) days from the receipt of the plat by him. The person shall request that a pooling order be entered pursuant to subsection (1) of Section 16 of this Act.

(4) If no objections are filed within the twenty (20) day period, the department shall immediately issue a drilling permit to the well operator approving the location of the well and authorizing the well operator to proceed to drill at that location, provided all other preconditions to issuance of a permit, as contained in this chapter, have been met.

(5) Upon receipt of an application to drill a coalbed methane well, the department shall provide a copy of the required plat and permit application to DSMRE. Within fifteen (15) days of receipt by DSMRE notification shall be sent to the department by DSMRE as to whether the proposed coalbed methane well will be located within the boundaries of any coal mine for which a permit has been issued or has been applied for pursuant to KRS Chapter 350. If the proposed coalbed methane well is to penetrate a workable coalbed that is within the area of an existing permit for an underground mine issued by DSMRE, or the proposed permitted area of a pending application or permit modification for an underground mine before DSMRE, the written authorization of the mine permittee shall be required prior to issuance by the department of a permit to stimulate, complete, or horizontally drill the coalbed methane well in the workable coalbed that is within the area of an existing permit for an underground mine issued by DSMRE or within the proposed permitted area of a pending application or permit modification for an underground mine before DSMRE. If the proposed coalbed methane well is to be located within a surface area permitted, or proposed in a pending application or permit modification to be issued by DSMRE, the written authorization of the mine permittee shall be

required prior to issuance by the department of a permit to drill the coalbed methane well. In the absence of the written authorization of the mine permittee, the applicant may file an appeal with the review board requesting approval to drill the proposed coalbed methane well if:

(a) Authorization has been denied by the mine permittee; and

(b) The proposed location and area to be disturbed by the proposed coalbed methane well has achieved either a partial bond release status or the bond for the area has been forfeited.

SECTION 5. A NEW SECTION OF KRS CHAPTER 349 IS CREATED TO READ AS FOLLOWS:

(1) Prior to the abandonment of a coalbed methane well drilled through a workable coalbed, the well operator shall notify, by certified mail, return receipt requested, or by registered mail, all the coal interest holders of the workable coalbed and the department of the operator's intention to plug and abandon the well. The notice shall give the number of the well and its location, and fix the time at which the work of plugging and filling will be commenced. The time shall not be less than fifteen (15) days after the day on which the notice was received, or in due course should be received, by the department. The department shall prescribe the form of notice to be used. A representative of any coal interest holder, at his or her own expense and liability, and of the department may be present at the plugging and filling of the well. Regardless of whether representatives appear, the well operator may proceed, at the time fixed, to plug and fill the well. When the well is plugged and filled, an affidavit setting forth the time and manner in which the well was plugged shall be made in triplicate by two (2) persons experienced in plugging and filling wells who participated in the work. The affidavit shall be made on forms furnished by the department. One (1) copy of the affidavit shall be retained by the well operator, one (1) provided to each coal interest holder, and one (1) provided to the department.

(2) In addition to the notification required under subsection (1) of this section, prior to the abandonment of a coalbed methane well the operator shall submit a plugging plan which is subject to approval by the department. The proposed plugging plan shall be designed to allow coal mining to occur through the well after the well is plugged.

(3) If a coalbed methane well ceases to produce in paying quantities and no dewatering operations are being conducted for a period of fifteen (15) consecutive months, any coal interest holder or any record oil or gas lessor or lessee of any tract being penetrated by the coalbed methane well, may file a request for hearing pursuant to Section 12 of this Act, to determine whether the well has been abandoned and should be plugged in accordance with this section. However, nothing in this subsection shall require the plugging and abandonment of a coalbed methane well that is being temporarily shut in by the coalbed methane well operator. Simultaneously with the filing of a request for a hearing with the department, the person requesting the hearing shall send a copy of the request to the coalbed methane well operator.

(4) Any coal interest holder shall have the following rights with respect to a coalbed methane well to be plugged and abandoned:

(a) To convert the coalbed methane well to a vent hole or otherwise take the coalbed methane well. In this event the department, upon determination that the coal interest holder has placed the coalbed methane well under a mining permit, shall release the coalbed methane well operator's bond and the coalbed methane well operator shall be relieved of further responsibility for the coalbed methane well; and

(b) To file an objection concerning the proposed manner or method of plugging with the department, within fifteen (15) days after receipt of notice of intent to plug. The department shall consider any objection and may issue an order specifying the manner and method of plugging and reclamation consistent with this section.

(5) All coalbed methane wells shall be plugged and abandoned in accordance with this section. The department shall promulgate regulations specifying the manner and method of plugging vertical and horizontal coalbed methane wells and in so doing, or in entering any order for such plugging and abandonment, shall give consideration to the ability to mine any affected coal seam safely and the protection of any affected coal seam for future mining.

SECTION 6. A NEW SECTION OF KRS CHAPTER 349 IS CREATED TO READ AS FOLLOWS:

(1) If a coalbed methane well is permitted and drilled within the boundaries of any coal mine for which a permit has been issued or an application for a mine permit or a mine permit modification or amendment has been filed but not issued pursuant to KRS Chapter 350, the mine licensee shall have the right to mine through that coalbed methane well and the associated drilling unit in accordance with the provisions of this subsection.

(a) At least one hundred twenty (120) days prior to mining through a coalbed methane well and associated drilling unit, the mine licensee shall notify the review board and operator of its intention to mine through the property. The notice shall be made on a form prescribed by the review board, and shall include a plat showing the location of the drilling unit, the coalbed methane well and associated surface equipment, facilities, infrastructure, and improvements, and the geographic extent of the mining operations to be conducted within the drilling unit. The mine licensee shall also submit an estimated schedule for commencing and completing mining operations within the drilling unit. After a hearing the review board shall promptly issue a written determination on whether the continued operation of the coalbed methane well will impede, interfere with, or present a possible safety hazard to the mine licensee's planned mining operations. If the review board determines that the coalbed methane well will impede, interfere with, or present a safety hazard to the planned mining operations, concurrently an order shall be issued to the operators, with a copy to the mine licensee,

directing the temporary or permanent plugging of the well at the operator's cost and such other action as may be appropriate in the circumstances. Following the issuance of the order, the review board shall promptly issue a mine through certificate to the mine licensee, with a copy to the operator, authorizing the mine licensee to mine-through the coalbed methane well and associated drilling unit.

(b) The mine licensee and all other coal interest holders having interests in the coalbed within the drilling unit shall have no duty or obligation to compensate or pay the operator or other interested coalbed methane parties for any causes of action, claims, or damages arising from the suspension or loss of coalbed methane production or the plugging and abandonment of a coalbed methane well and the removal or relocation of any associated facilities, infrastructure, and improvements due to mining through the coalbed methane well and associated drilling unit pursuant to this subsection.

(2) If a mine licensee files an application for a coal mine permit or seeks to modify or amend an existing coal mine permit so as to include a geographical area containing one (1) or more existing coalbed methane wells or any well sites for which drilling permits have been issued or are pending, the mine licensee shall have the right to mine through those coalbed methane wells or into or through a coalbed methane well and the associated drilling units and any well sites for which permits to drill have been issued or applications for permits to drill have been filed but not issued in accordance with the provisions of this subsection.

(a) At least one hundred eighty (180) days prior to mining into or through one (1) or more drilling units or permitted well sites operated by a common operator, the mine licensee shall notify the review board and the operator of its intention to mine into or through the property. The notice shall be made on a form prescribed by the review board and shall include a plat showing the location of the drilling unit, the coalbed methane well and associated surface equipment, facilities, infrastructure, and improvements, and the geographic extent of the mining operations to be conducted within the drilling unit. The mine licensee shall also submit an estimated schedule for commencing and completing mining operations within the drilling unit.

(b) Within thirty (30) days after receiving the mine licensee's notice pursuant to paragraph (a) of this subsection, the mine licensee and operator shall enter into a confidentiality agreement on a form prescribed by the review board and the operator shall provide, to the extent available, copies of all data and information necessary and appropriate to enable the mine licensee to determine the current value of each drilling unit, well site, and any associated assets described in the mine licensee's notice in accordance with the criteria set forth in paragraph (e) of this subsection. The information shall be in a form prescribed by the review board and shall include, among other things, data, reports, and information relating to current coalbed methane reserve calculations, well completions, historic production and sales results, capital and operating costs, all actual land, legal permitting, survey, title, and any other costs and expenses directly relating to the acquisition, permitting, development, and operation of each drilling unit and well site, and estimated well plugging and abandonment costs of any existing coalbed methane wells. In addition, the operator shall provide the review board and mine licensee with copies of all agreements and leases, payment division orders and any pooling agreements or pooling orders for each drilling unit and well site, together with a schedule setting forth the name, address, and working interest and net revenue percentages, royalties and overriding royalties, and all other interests and rights of all other interested coalbed methane parties. If the information is not timely filed or is incomplete, the mine licensee may seek an order from the review board directing the operator to comply with the provisions of this subsection.

(c) Within thirty (30) days after receiving the information described in paragraph (b) of this subsection, the mine licensee and operator shall meet and confer at a mutually agreed upon date, time, and place for the purpose of attempting to conclude a mutually acceptable agreement as to the compensation due to the operator for any damage, impairment, or loss to each drilling unit, well site, and any associated assets described in the information provided by the operator resulting from the mine licensee's planned mine-through operations. Any compensation agreement between the mine licensee and operator for each drilling unit or well site shall be approved and executed by all other interested coalbed methane parties. The mine licensee and operator shall jointly notify the review board that a compensation agreement has been entered into between the parties and request that the review board issue a mine-through certificate for each drilling unit and well site described in the notice. The notice shall include any terms and conditions set forth in the compensation agreement that the parties have agreed to incorporate in the applicable mine-through certificates. Upon receipt of the executed compensation agreement, the review board shall promptly issue the requested mine-through certificates to the mine licensee, with copies to the operator and all other interested coalbed methane parties. If the parties are unable to reach an agreement, within ten (10) days following the expiration of the thirty (30) day meet and confer period, either party may request a hearing before the review board for the purpose of determining the compensation due the operator and any terms and conditions to be imposed upon the mine licensee's proposed mining operations. Copies of the hearing request shall be sent to all other interested coalbed methane parties.

(d) Within fifteen (15) days of receiving the hearing request, the review board shall schedule a hearing to take place within sixty (60) days and shall notify the mine licensee, the operator and all other interested coalbed methane parties of the date, time, and location of the hearing. At its election, the review board may engage a qualified petroleum engineer for the purpose of conducting an independent evaluation of the compensation to be paid to

the operator and all other interested coalbed methane parties in accordance with paragraph (e) of this subsection. The mine licensee and the operator shall each pay one-half (1/2) of the costs and expenses for the petroleum engineer retained by the review board.

(e) The review board shall determine the value of each drilling unit, well site, and all associated assets before and after the mine licensee's planned mine-through operations. In determining the amount of compensation due the operator and all other interested coalbed methane parties, the review board must consider all relevant evidence and information submitted and the review board shall base its decision solely upon the following criteria and procedures:

1. Except as otherwise expressly provided in this subsection, all coalbed methane reserve estimates and the valuation of reserves and other assets damaged, impaired, or lost due to the planned mining operations shall be consistent with standard oil and gas industry accounting, engineering, and reserve practices and shall be performed pursuant to the then-current applicable laws, regulations, policies, and guidelines for determining gas reserves for public reporting companies in the United States.

2. At the hearing, the mine licensee and operator, on behalf of itself and all other interested coalbed methane parties, shall appear and submit evidence and testimony as to the value of the subject drilling units, well sites, and any associated assets before and after the mine licensee's planned mining operations. The review board shall only consider coalbed methane reserve estimates or valuation determinations made in conformity with subparagraph 1. of this paragraph by a professional petroleum engineer with experience in evaluating coalbed methane reserves and operations. All reserve estimates and any valuation analysis prepared by the mine licensee and operator for use in the review board's hearing shall be effective thirty (30) days prior to the date of the hearing. The reserve estimates and valuation analysis shall be exchanged between the mine licensee and operator and copies of the information shall be provided to the review board and all other interested coalbed methane parties no less than twenty-one (21) days prior to the hearing date. Any coalbed methane reserve estimates or valuation analysis prepared at the review board's request shall be set forth in a written report. Copies of the report prepared for the review board shall be provided to the mine licensee, the operator, and all other interested coalbed methane parties no less than ten (10) days prior to the review board's hearing date.

3. All estimates of remaining recoverable coalbed methane reserves immediately before and immediately after the planned mining operations shall consist of proved developed producing or proved developed nonproducing reserves as determined pursuant to this subsection. A drilling unit shall have proved developed producing reserves if the unit has an operating coalbed methane well, which is completed in one (1) or more target coal seams and is producing commercial quantities of coalbed methane. The drilling units total proved developed producing reserves before and after the planned mining operations shall be calculated based on the completed coal seams within the unit well. A drilling unit shall have proved developed nonproducing reserves if the unit has a coalbed methane well which is completed in one (1) or more target coal seams and is fully operational and all associated infrastructure such as power, gas gathering, and water management systems required to produce and sell coalbed methane in commercial quantities has been constructed, but the well is not producing coalbed methane in commercial quantities because it either is in the dewatering stage or is not operating due to factors beyond the operator's control. Whether a drilling unit contains proved developed producing reserves or proved developed nonproducing reserves shall be determined based on the status of the coalbed methane well and associated infrastructure sixty (60) days prior to the review board's hearing date.

4. The net present value of proved developed producing reserves projected immediately before and immediately after the planned mining operations shall be calculated using a discount rate of twelve percent (12%). The net present value of proved developed nonproducing reserves projected immediately before and immediately after the planned mining operations shall be calculated using a discount rate of twenty percent (20%). The valuation analysis shall also project the net present value of all revenues received, if any, by the operator during the period in which the planned mining operations are to be conducted.

5. In determining the compensation due the operator and all other interested coalbed methane parties for delayed or lost production, if the total projected production of the coalbed methane well is reduced so as not to yield a commercially reasonable return on investment to the operator, but the well is still able to produce coalbed methane in commercial quantities, the projected difference in the net present value of the recoverable reserves before and after mining shall be included as part of the compensation due the operator and all other interested coalbed methane parties.

6. In determining the value of the coalbed methane reserves impaired or lost due to the planned mining operations, except as expressly provided herein, no consideration shall be given to undeveloped coalbed methane resources in coal seams which have not been completed in the subject coalbed methane well or which are in coal seams below the total depth of the well bore. If, however, a coal seam in the same field is producing coalbed methane but the coal seam is not completed in the subject coalbed methane well, *the operator may submit evidence to the review board for its consideration as to the potential net present value of the resources within the uncompleted seam, but in no event shall the net present value of those resources be discounted at less than thirty percent (30%).*

7. Except as otherwise provided herein, in determining the value of coalbed methane for purposes of this subsection, the gas price shall be the last published price in the gas market closest to the drilling unit sixty (60) days prior to the review board's hearing date. If the coalbed methane is sold pursuant to a gas sales agreement or marketing contract in which the gas price is determined based on a published price, subject to any contractual adjustment, in the gas market other than the market closest to the drilling unit, the gas price shall be determined based on the last published price in a gas market referred to in the gas sales agreement or marketing contract, subject to any contractual adjustment set forth therein, sixty (60) days prior to the review board's hearing date. If the coalbed methane is sold pursuant to an arms-length firm or fixed price gas sales agreement or marketing contract, the actual sales price received by operator for gas sold sixty (60) days prior to the review board's hearing date shall be used as the gas price in the coalbed methane valuation.

8. All capital, operating, and production costs used in the net present value determinations made pursuant to this subsection shall be based on the operator's then current reasonable and verifiable actual costs and expenses. Copies of all relevant and available cost information shall be provided by the operator to the review board and mine licensee as provided in paragraph (b) of this subsection. If actual cost information is not otherwise available, all calculations shall be made using reasonable and customary costs for comparable coalbed methane operations in the Commonwealth and in the surrounding states.

9. If the planned mining operations will mine through a coalbed methane well or require the removal, relocation, or suspension of operation of other facilities, infrastructure, or improvements in a drilling unit, the operator and any other interested coalbed methane parties shall be reimbursed for all reasonable actual and direct costs, damages, and expenses to be incurred due to these mining operations; provided, however, that in no event shall any replacement costs and expenses exceed the operator's or any other interested coalbed methane parties' actual costs and expenses for the affected well, facilities, infrastructure, and improvements, as the case may be. The operator and any other interested coalbed methane parties shall not be reimbursed for any general, administrative, or overhead costs and expenses or any other costs and expenses not otherwise allocated to the costs of the subject drilling unit, coalbed methane well and the associated facilities, infrastructure, and improvements. Any amounts due the operator and any other interested coalbed methane parties shall be reduced by the projected then-current market value of such equipment, facilities, and improvements to the extent that it can be salvaged and sold or used in other operations.

10. If, prior to drilling a coalbed methane well, the mine licensee submits a plan to mine into or through any part of the associated drilling unit or well site for which a drilling permit has been issued or is pending, the operator shall not proceed with drilling a coalbed methane well pending a final decision by the review board with respect to the mine licensee's request for a mine-through certificate. When a mine-through certificate is issued to the mine licensee, the operator and all other interested coalbed methane parties shall be reimbursed for all reasonable costs and verifiable actual land, legal, permitting, surveying, and technical costs and expenses incurred to acquire or lease and maintain the property and obtain any permits, approvals, and other agreements required to drill the coalbed methane well. The operator and all other interested coalbed methane parties shall not be reimbursed for any general, administrative, or overhead costs and expenses or any other costs and expenses not otherwise allocated to the costs to acquire or lease the subject property or permit the coalbed methane well.

(f) At a hearing, the review board shall take testimony and evidence from the mine licensee and operator, on behalf of itself and all other interested coalbed methane parties consistent with the provisions in this subsection. Within fifteen (15) days following the hearing, the review board shall issue a written decision to the mine licensee and operator determining the compensation due the operator and each of the other interested coalbed methane parties in the amount of the difference between the value of each drilling unit, well site, and any associated assets before and after the mine licensee's planned mining operations. If the review board determines that the mine licensee's proposed mining operations will result in a loss or taking of all of either the coalbed methane reserves in the coal seam to be mined and all coalbed methane reserves in completed coal seams in the coalbed methane well below the mined coal seam as provided in paragraph (e)5. of this subsection or the entire drilling unit, the operator and other interested coalbed methane parties shall be awarded the full value of the property and assets prior to the proposed mining operations as determined by the review board. The review board's decision shall list the compensation amounts to be paid to the operator and each of the other interested coalbed methane parties for each drilling unit, well site, and any associated assets. The decision shall also set forth any duties or obligations to be performed by the parties, such as the temporary or permanent plugging of any well or the relocation or removal of any surface facilities, to enable the mine licensee to proceed immediately with the planned mining operations.

(g) Within fifteen (15) days of receiving the review board's decision, the mine licensee shall notify the review board

and the operator and all other interested coalbed methane parties of its decision to:

1. *Accept the review board's decision with respect to one (1) or more of the drilling units, well sites, and associated assets and deposit the compensation awarded to the operator and each of the other interested coalbed methane parties for the property;*
2. *Appeal all or part of the review board's decision as provided in paragraph (j) of this subsection; or*
3. *Withdraw notice of intent to mine into any of the subject coalbed methane property and assets. If the mine licensee elects to withdraw notice of intent to mine into or through all of the drilling units, well sites, and any associated assets which were the subject of the review board hearing, upon receiving a statement of costs from the operator, the mine licensee shall promptly reimburse the operator for all reasonable out-of-pocket engineering and legal costs and expenses incurred to prepare for and participate in the review board hearing and shall have no further obligations to the operator or any of the other interested coalbed methane parties.*

(h) Within fifteen (15) days of receiving the review board's decision, the operator, on behalf of itself and other interested coalbed methane parties, shall notify the review board and the mine licensee whether it will accept the amounts awarded by the review board or file an appeal with the Circuit Court in the county where the drilling unit or well site is located challenging the review board's valuation of any of the property or assets.

(i) If no appeal of the review board's decision is filed by the parties, upon receipt of the compensation due the operator and all other interested coalbed methane parties for each drilling unit and well site selected by the mine licensee for which a mine-through certificate will be issued, the review board shall promptly deliver the awarded compensation to the operator and all other interested coalbed methane parties for the drilling unit and well site and concurrently issue the appropriate mine-through certificate to the mine licensee, with copies to the operator and all other interested coalbed methane parties. If the operator and other interested coalbed methane parties are awarded either the total net present value of the coalbed methane reserves in coal seams to be mined by the mine licensee and all coalbed methane reserves in coal seams completed in a coalbed methane well below such coal seam as provided in subparagraph 5. of paragraph (e)5. of this subsection or the total value of the entire drilling unit and associated assets, upon payment of the compensation, the operator and other interested coalbed methane parties shall simultaneously, if requested by the mine licensee, assign and transfer free and clear of all encumbrances to the mine licensee all of their respective rights, title, and interests in such property and assets, as the case may be, within the drilling unit on a form to be prescribed by the review board. The review board shall take whatever other action that may be deemed appropriate or necessary in the circumstances.

(j) If either party notifies the review board of a decision to appeal the review board's valuation of any of the subject coalbed methane properties and assets to the Circuit Court, the mine licensee shall deposit with the review board the compensation due the operator and each of the other interested coalbed methane parties for each drilling unit, well site and any associated assets selected by the mine licensee for which a mine-through certificate will be issued. Upon receipt of the funds from the mine licensee, the review board shall promptly deliver to the operator and the other interested coalbed methane parties one hundred percent (100%) of the awarded compensation for any drilling unit, well site and any associated assets not listed in any notice of appeal and seventy-five percent (75%) of the awarded compensation to the operator and other interested coalbed methane parties for any drilling unit, well site, and any associated assets for which an appeal is to be filed. Concurrently with delivering the awarded compensation to the operator as provided herein, the review board shall issue to the mine licensee, with copies to the operator and all other interested coalbed methane parties, a mine-through certificate for each drilling unit and well site for which compensation has been received. If the review board's decision with respect to any drilling unit is not appealed and the operator and other interested coalbed methane parties are awarded either the total net present value of the coalbed methane reserves in the coal seam to be mined by the mine licensee and all coalbed methane reserves in coal seams completed in a coalbed methane well below that coal seam as provided in paragraph (e)5. of this subsection or the total value of each drilling unit, well site, and any associated assets, upon payment of the compensation, the operator and other interested coalbed methane parties shall simultaneously if requested by the mine licensee, assign and transfer free and clear of all encumbrances to the mine licensee all of their respective rights, title, and interests in that property and assets, as the case may be, within the drilling unit or well site on a form to be prescribed by the review board. The review board shall take whatever other action that may be deemed appropriate or necessary in the circumstances to carry out its decision. All funds deposited with the review board shall be placed in an interest-bearing account pending a final resolution of any appeals.

(k) Within thirty (30) days following the issuance of the review board's decision, the mine licensee or the operator, on behalf of itself and any other interested coalbed methane parties, may file a petition in the Circuit Court of the county in which the drilling unit or well site is located or in the Franklin County Circuit Court disputing the review board's valuation of all or any part of any coalbed methane properties or assets pursuant to this subsection. The parties filing the petition shall name as parties to the action the following: the review board, the mine licensee, all other coal interest holders, the operator, and all other interested coalbed methane parties. Promptly upon receiving notice of the petition, the review board shall deliver any remaining funds deposited by

the mine licensee as provided in paragraph (j) of this subsection, together with all interest accrued thereon, to the clerk of the Circuit Court for the county in which the petition is filed and these funds shall be deposited in an interest bearing account pending a decision on the petition. The decision of the Circuit Court shall be made in accordance with the provisions of Section 18 of this Act. If the Circuit Court determines the operator and other interested coalbed methane parties are entitled to greater compensation than the amount awarded by the review board, the mine licensee shall pay the difference to the clerk of the Circuit Court within fifteen (15) days of the court's decision. Upon receipt of the additional funds awarded by the Circuit Court, the clerk shall promptly deliver to the operator and any other interested coalbed methane parties these funds together with all interest accrued thereon. If the Circuit Court determines that the operator is entitled to less compensation than the amount awarded by the review board, the amount of the reduction shall be refunded to the mine licensee together with any interest that accrued thereon. If the escrowed funds are not sufficient to fully reimburse the mine licensee, the operator and all other interested coalbed methane parties having an interest in the subject coalbed methane properties and assets shall promptly pay the mine licensee for the difference between the escrowed funds and the total amount to be reimbursed pursuant to the Circuit Court's order. If the Circuit Court determines that the operator and other interested coalbed methane parties are to receive either the total net present value of the coalbed methane reserves in the coal seam to be mined by the mine licensee and all coalbed methane reserves in coal seams completed in a coalbed methane well below such coal seam as provided in paragraph (e)5. of this subsection or the total value of the entire drilling unit, well site, and any associated assets, which values may be increased or decreased by the Circuit Court, upon receipt of the awarded compensation, the operator and other interested coalbed methane parties shall simultaneously if requested by the mine licensee, assign and transfer free and clear of all encumbrances to the mine licensee all of their respective rights, title, and interest in such property and assets, as the case may be, within the drilling unit on a form to be prescribed by the review board.

(l) Subject to obtaining a decision by the Circuit Court with respect to any appeals initiated pursuant to paragraph (k) of this subsection, the operator and all of the other interested coalbed methane parties' acceptance of the compensation awarded by the review board and of the performance of any duties and obligations by the mine licensee as ordered by the review board shall constitute full and complete consideration to the operator and all of the other interested coalbed methane parties for any and all causes of action, claims, damages, or losses to each drilling unit or any portion thereof, well site, or any associated assets caused by the mine licensee, or any other coal interest holder's subsequent mining operations. The mine licensee shall be liable for any and all injuries, deaths, or damages proximately caused by the mine licensee on, in, or with respect to that property.

(3) If, after the mine licensee files a notice of intention to mine into or through any coalbed methane properties or assets pursuant to subsection (1) or (2) of this section, the mine licensee's coal mining permit or any pending amendment to an existing permit issued pursuant to KRS Chapter 350 is withdrawn, canceled, delayed, or modified so as to exclude all or any part of the geographic area covering any drilling unit or well site described in the mine licensee's notice, the mine licensee shall promptly advise the review board and operator that it is amending its request for a mine-through certificate to exclude any property that is no longer subject to a coal mine permit or a pending coal mine permit application.

SECTION 7. A NEW SECTION OF KRS CHAPTER 349 IS CREATED TO READ AS FOLLOWS:

(1) This chapter shall apply to all lands located in the Commonwealth however owned including lands owned or administered by any government or any agency or political subdivision thereof, over which the Commonwealth has jurisdiction under its police power.

(2) The waste of coalbed methane is hereby prohibited. The waste prohibited includes physical waste as that term is generally understood in the oil, gas, and coalbed methane industry, giving consideration to coal mining operations and the safe recovery of coal and includes:

(a) The locating, drilling, equipping, operating, or producing of any coalbed methane well or wells drilled, deepened, or reopened in a manner that causes or tends to cause a reduction in the quantity of coalbed methane ultimately recoverable from a pool under prudent and proper operations, or contrary to any provision of, or any order, rule or administrative regulation promulgated or issued under this chapter;

(b) Permitting the migration of coalbed methane from the stratum in which it is found into other strata, thereby ultimately resulting in the loss of recoverable coalbed methane;

(c) The drowning with water of any stratum or part thereof capable of producing coalbed methane in paying quantities, except for secondary recovery purposes, or in hydraulic fracturing or other completion practices;

(d) The unlawful damage to underground, fresh, or mineral water supply, coalbeds, or other mineral deposits in the operations for the discovery, development, production, or handling of coalbed methane;

(e) The unnecessary or excessive loss of coalbed methane by spillage or venting or destruction of coalbed methane or its constituents; and

(f) The drilling of more wells than are reasonably required to recover efficiently the maximum amount of coalbed methane from a pool.

(3) For purposes of this chapter, waste does not include coalbed methane vented or released from any mine area, the degasification of a coal seam for the safe recovery of coal, the plugging of coalbed methane wells for the safe recovery of coal, or the conversion of coalbed methane wells to vent holes for the safe recovery of coal.

(4) The sale or use of coalbed methane from any coalbed methane well unless a permit has been issued as required by Section 8 of this Act, or in violation of the spacing provisions of Section 15 of this Act, shall be prohibited.

(5) No person shall conduct coalbed methane operations unless that person has first obtained the necessary permits, including surface discharge and underground injection control permits, as appropriate for the particular operation to be conducted. The department shall notify state and federal agencies with jurisdiction over the protection of surface waters and groundwater when permit applications are filed and shall, to the extent possible, coordinate permit review.

SECTION 8. A NEW SECTION OF KRS CHAPTER 349 IS CREATED TO READ AS FOLLOWS:

(1) It is unlawful for any person to drill, commence, operate, deepen, convert, or stimulate any coalbed methane well, to conduct any horizontal drilling of a coalbed methane well or to convert any existing oil or natural gas well to a coalbed methane well, without first securing from the department a permit pursuant to this chapter. Before any well, borehole, or facility initially used for a coal mining related purpose, such as a vent hole, is converted for the purpose of recovering coalbed methane for sale or use, the operator shall obtain a permit and comply with the provisions of this chapter prior to the time that the well, borehole, or facility is converted or used for the purpose of recovering coalbed methane for sale or use. It is unlawful for any person to drill, deepen, convert, or reopen a coalbed methane well for the production of oil or natural gas or for the injection of water, gas, or other fluids into any oil or natural gas producing formation until the person has obtained a permit from the department for a petroleum or natural gas well pursuant to KRS 353.570. However, no additional permit fee shall be required if the original permit for the coalbed methane well has not expired.

(2) Every permit application filed under this section shall be verified and shall contain the following:

- *(a) A statement that the applicant claims to have a valid real property interest in, or the current legal right to produce coalbed methane from a person claiming a valid real property interest in, the coalbed methane. The statement shall identify with specificity the nature of the real property interest and the document or instrument evidencing that interest or right, including recording information of any recorded document or instrument;*
- *(b) The names and addresses of the coalbed methane well operator and every person or entity whom the applicant must notify under any section of this chapter;*
- *(c) The name and address of each coal interest holder of any workable coalbed which is to be penetrated by a proposed coalbed methane well or within seven hundred fifty (750) horizontal feet or fifty (50) vertical feet of any portion of the proposed coalbed methane well;*
- *(d) The name and addresses of each record oil and gas lessee of, the record oil and gas lessor of, and the operator of all oil and gas formations from the surface to one hundred (100) feet below the deepest penetration of the coalbed methane well on the tract upon which the coalbed methane well is proposed to be located;*
- *(e) The coalbed methane well name or such other identification as the department may require;*
- *(f) The approximate depth to which the coalbed methane well is to be drilled, deepened, or converted, the coal seams including the depth and thickness of each seam that will be completed for production, and any other coal seams which will be penetrated by the coalbed methane well;*
- *(g) A description of any means to be used to stimulate any of the workable coalbeds penetrated by the coalbed methane well;*
- *(h) If the proposed coalbed methane well will require casing or tubing, the entire casing program for the coalbed methane well, including the size of each string of pipe, the starting point and depth to which each string is to be set, and the extent to which each string is to be cemented;*
- *(i) If the proposed operation is to convert an existing petroleum or natural gas well, as defined in KRS 353.010(13), or to convert a vertical borehole or facility initially used for a coal mining related purpose, such as a vent hole, to a coalbed methane well, all information required by this section, all formations from which production is anticipated, and any plans to plug any portion of the well;*
- *(j) Except for a vent hole proposed to be converted to a coalbed methane well, if the proposed coalbed methane well will be completed in some but not all coal seams for production, a plan and design for the coalbed methane well which will protect all workable coalbeds which will be penetrated by the coalbed methane well;*
- *(k) If the proposed operations will include horizontal drilling of a coalbed methane well, a description of the operations, including both the vertical and horizontal alignment and extent of the coalbed methane well from the surface to total depth; and*
- *(l) Other information as the department may require consistent with this chapter.*

(3) Each application for a coalbed methane well permit shall be accompanied by the following:

- *(a) A permit application fee of three hundred dollars ($300);*
- *(b) A bond in an amount prescribed in Section 24 of this Act;*

(c) A certificate that the applicant's notice requirements of Section 3 of this Act have been satisfied. Certification may be by affidavit of personal service, or the return receipt card, or other postal receipt, for certified mailing;

(d) If the proposed coalbed methane well will be located within one-half (1/2) of a mile, measuring horizontally, of a water supply well being used for residential or domestic purposes, the applicant will submit the groundwater protection plan required under KRS 224.70-110 and applicable administrative regulations promulgated pursuant thereto for review by the department, or demonstrate to the department that a plan is not required; and

(e) Proof that the applicant has public liability insurance coverage in an amount not less than five hundred thousand dollars ($500,000) in aggregate and three hundred thousand dollars ($300,000) per occurrence for damages to persons and property caused by the applicant's operations or proof that the applicant has satisfied self-insurance requirements as provided by administrative regulations which shall be promulgated by the department.

(4) Prior to the department's issuance of a permit to drill a coalbed methane well, a copy of the written authorization from the mine licensee shall be filed with the application under the following circumstances:

(a) If the proposed coalbed methane well is to penetrate a workable coalbed that is within the permitted area of an existing permit or the proposed permitted area of a permit pending before the DSMRE and if the applicant plans to stimulate, complete, or horizontally drill the coalbed methane well in a workable coalbed that is within the permitted area of an existing permit or the proposed permitted area of a permit pending before DSMRE;

(b) If the proposed coalbed methane well is to be located within a surface area permitted under an existing permit, or the proposed permitted area of a permit pending before DSMRE for which no bond release has been obtained; or

(c) If the proposed coalbed methane well is to be located within a surface area permitted under an existing permit by DSMRE for which a partial bond release has been obtained.

If a coalbed methane well permit is issued for a well site located within the boundaries of any coal mine for which a permit has been issued or is pending pursuant to KRS Chapter 350, the permit shall include a provision specifically stating that the permitted coalbed methane well location is in an area for which a coal mine permit has been issued or is pending pursuant to KRS Chapter 350 and is subject to the mine-through rights set forth in subsection (1) of Section 6 of this Act.

(5) If a partial bond release for the surface area on which the proposed coalbed methane well is located has been obtained from DSMRE and the applicant is denied written authorization from the mine licensee, the applicant may file an appeal with the review board requesting approval to drill the proposed coalbed methane well. When requesting an appeal, the applicant shall submit a verified statement including the following:

(a) The applicant has met and conferred with or offered to meet and confer with the mine licensee concerning the authorization;

(b) The mine licensee has refused to provide written authorization to disturb the permitted area;

(c) The physical area to be disturbed by the proposed well location and the use of area, including ingress and egress thereto, qualifies as a commercial or industrial postmining land use entitling the mine licensee to a complete bond release for the area to be disturbed by the coalbed methane well operator in accordance with KRS Chapter 350; and

(d) The applicant has agreed to pay the reasonable and actual costs of the permit revision required by DSMRE to affect the incremental bond release for the proposed area to be disturbed by the coalbed methane well operator, not to exceed five thousand dollars ($5,000).

(6) Prior to the issuance of a permit to drill a coalbed methane well, the applicant shall grant assignable subsidence waivers to any mine licensee if requested in an objection filed pursuant to Section 12 of this Act and, if required, to allow present or future mining with planned subsidence under KRS Chapter 350. However, this subsection and any subsidence waivers shall in no way waive, affect, or impair the ability of the applicant or the applicant's successors or assigns to pursue any remedies for damages to persons, or to improved or tangible property, suffered or incurred as a result of any subsidence caused by the mine licensee or the mine licensee's successors or assigns. The mine licensee, its successors or assigns, shall be liable for any and all damages to persons or to improved or tangible property proximately caused by the mine licensee.

(7) If the mine licensee is mining in a coal seam that is not being produced by the coalbed methane well operator and has not exercised his or her mine-through rights, as set forth in subsection (1) or (2) of Section 6 of this Act, in any coal mine before removing any coal or other material or driving any entry or passageway within five hundred (500) horizontal feet of the vertical segment of a coalbed methane well or within fifty (50) vertical feet of the horizontal segment of a coalbed methane well, the mine licensee shall forward simultaneously to the well operator and to the department, by certified mail, return receipt requested, or by registered mail, a copy of the maps and plans required by law to be filed and kept up to date. Maps or plans shall show the mine workings and projected mine workings within five hundred (500) horizontal feet of the coalbed methane well. However, the issuance of any coalbed methane well permit shall not preclude or prevent coal mining outside two hundred (200) feet, but not closer than fifty (50) feet, of

the vertical segment of a coalbed methane well or outside of the workable coalbed in which the horizontal segment of a coalbed methane well is located, unless specified by the department for reasons of mine or well safety. The mine licensee shall not mine within fifty (50) feet of the vertical segment of a coalbed methane well without the written authorization of the coalbed methane well operator. A mine licensee may file a request with the department to mine closer than two hundred (200) feet of the vertical segment of the coalbed methane well. The mine licensee shall forward simultaneously to the well operator and the department, by certified mail, return receipt requested, or by registered mail, a request to mine closer than two hundred (200) feet, but not closer than fifty (50) feet, of the vertical segment of the coalbed methane well, which shall be accompanied by the following:

(a) A copy of the maps and plans required by law to be filed and kept up to date, showing on the copy of the map or plan its mine plan workings and projected mine workings beneath the tract of land and within two hundred (200) feet, but not closer than fifty (50) feet, of the vertical segment of the coalbed methane well; and

(b) A statement that the applicant has met and conferred with, or offered to met and confer with, the well operator concerning the mine licensee's plan to mine closer than two hundred (200) feet, but not closer than fifty (50) feet, of the vertical segment of the coalbed methane well.

The well operator may, within twenty (20) days of receipt of the documents listed in paragraphs (a) and (b) of this subsection, file specific objections in writing with the department. When objections are filed, the department shall provide a copy of the objections to the mine licensee and fix a time and place for an informal hearing. The hearing shall be held not more than ten (10) days from the end of the twenty (20) day period. At the hearing, the mine licensee and the well operator, in person or by representative, shall consider the objections and seek agreement on the character and the extent of operations to be conducted within less than two hundred (200) feet, but not closer than fifty (50) feet, of the vertical segment of the coalbed methane well. If no agreement can be reached, the department, after administrative hearing conducted in accordance with KRS Chapter 13B, shall make a decision defining what coal, if any, is necessary to be left for the safe protection, use, and operation of the well. The department's decision shall be subject to appeal by either party as provided in this chapter. The department shall keep a complete record of all hearings. The mine licensee shall, every six (6) months, while mining within two hundred (200) feet, but not closer than fifty (50) feet, of the vertical segment of the coalbed methane well, file up-to-date maps and plans required by this section, or file new maps and plans complete to date.

(8) The department may deny the issuance of a permit if it determines that the applicant has a documented pattern or practice of substantial violations of the provisions of this chapter and has failed to abate or seek review of the violations. If the department finds that a substantial violation has occurred with respect to existing operations and that the operator has failed to abate or seek review of the violation in the time prescribed, the department may suspend the permit. After a suspension, the operator shall forthwith cease all work being conducted under the permit until the department reinstates the permit. The department shall make a written finding of its determination and may enforce the determination in Circuit Court pursuant to Section 29 of this Act.

SECTION 9. A NEW SECTION OF KRS CHAPTER 349 IS CREATED TO READ AS FOLLOWS:

(1) When two (2) or more separately owned tracts, or portions thereof, are embraced within a drilling unit, or when there are separately owned interests in all or part of any such drilling unit, the operators or owners of coalbed methane owning the interests may pool their interests for the development and operation of the drilling unit by voluntary agreement. These agreements may be based on the exercise of pooling rights or rights to establish units which are granted in any gas or oil lease, coal lease, coalbed methane lease, or similar instrument.

(2) No voluntary pooling agreement between or among coalbed methane operators or owners shall be held to violate the statutory or common law of the Commonwealth which prohibits monopolies or acts, arrangements, contracts, combinations, or conspiracies in restraint of trade or commerce.

SECTION 10. A NEW SECTION OF KRS CHAPTER 349 IS CREATED TO READ AS FOLLOWS:

(1) If any coal interest holder has objected to the proposed stimulation pursuant to subsection (1) of Section 4 of this Act, no permit shall be issued to stimulate a coalbed methane well unless the applicant has obtained and filed with the department an agreement between the coal interest holders of any workable coalbed within five hundred (500) horizontal feet of the proposed coalbed methane well to be stimulated and within the five hundred (500) foot horizontal radius and feet fifty (50) vertical feet above or below the workable coalbed proposed to be stimulated.

(2) The requirement for an agreement to stimulate in this section shall not be construed to impair, abridge, or affect any contractual rights or obligations arising out of a contract, lease, deed, or similar agreement which provides for the development of coalbed methane and stimulation of workable coalbeds between the applicant and the coal interest holder. The existence of any such contract, lease, deed, or similar document shall constitute a waiver of the requirement to file an agreement to stimulate with the department.

(3) An agreement to stimulate shall provide:

(a) That the coal interest holder has been provided with a copy of the permit application to drill a coalbed methane well and a copy of all plats and documents which may accompany the application; and

(b) That the coal interest holder agrees to the stimulation of the workable coalbed as described in the application.

(4) Subject to subsection (5) of Section 4 of this Act, in the absence of the applicant submitting the agreement to stimulate

as described herein, the applicant may submit a request for a hearing before the review board accompanied by an affidavit, or verified statement, which shall include the following:

(a) A statement that the coal interest holder has refused to sign a written agreement to stimulate the workable coalbed;

(b) A statement detailing the efforts undertaken to obtain the signed agreement to stimulate; and

(c) A statement that the proposed method of stimulation does not involve the use of explosives and will not have a significant adverse affect on the mineability of the workable coalbed, or impair mine safety.

(5) The failure to obtain an agreement to stimulate shall in no way create an inference or presumption that the method of stimulation proposed by the applicant will harm the workable coalbed.

(6) Upon receipt of a request for a hearing and an affidavit, or verified statement, as set forth in this section, the department shall forward the application to the review board to consider the proposed stimulation, or if other objections or requests are filed requiring a hearing before the review board, the request may be included for consideration by the review board along with other matters related to the permit application.

(7) Any well operator that stimulates a workable coalbed without an agreement to stimulate from the coal interest holder shall be liable in tort without proof of negligence for any damages proximately caused by the stimulation to the workable coalbed, or any other workable coalbed within five hundred (500) horizontal feet of the coalbed methane well stimulated or within the five hundred (500) foot horizontal radius and fifty (50) vertical feet above or below the workable coalbed stimulated and for damages to any mining equipment proximately caused by the stimulation. The well operator shall be liable for injury, death, or damage to property proximately caused by the stimulation.

SECTION 11. A NEW SECTION OF KRS CHAPTER 349 IS CREATED TO READ AS FOLLOWS:

(1) The Coalbed Methane Well Review Board is hereby established. The review board shall be composed of five (5) members and shall have the powers and duties specified under this chapter.

(2) The review board shall consist of the commissioner of the Department of Natural Resources or his or her designee within the department, the commissioner of the Department of Mines and Minerals, and the director of the Division of Oil and Gas within the Department of Mines and Minerals, a representative of the oil and gas industry, and a representative of the coal industry. The representatives from the oil and gas industry and the coal industry shall be appointed by the Governor for terms of four (4) years subject to confirmation by the Senate.

(3) The review board shall be, for administrative purposes only, attached to the Division of Oil and Gas within the Department of Mines and Minerals.

SECTION 12. A NEW SECTION OF KRS CHAPTER 349 IS CREATED TO READ AS FOLLOWS:

(1) The review board shall rule upon:

(a) Objections to proposed coalbed methane wells, their locations, the proposed stimulation, or the proposed completion pursuant to Section 4 of this Act;

(b) Appeals of permit denials arising under subsection (5) of Section 4 of this Act;

(c) Requests for a hearing arising under subsection (3) of Section 5 of this Act ;

(d) Requests for pooling orders pursuant to subsection (1) of Section 16 of this Act;

(e) Requests for the establishment or modification of drilling units for coalbed methane wells;

(f) Requests for the creation or modification of field rules relating to the drilling, completion, and production of coalbed methane wells; and

(g) Requests for the unitization of coalbed methane wells, pools, or fields.

(2) The review board shall meet, hold conferences, and hold hearings at a time and place as designated by the chairman. The chairman may call a meeting of the review board at any time. A majority of the members of the review board shall constitute a quorum for the transaction of any business to come before the review board. All determinations of the review board shall be by majority vote of the quorum present. The commissioner, or his or her designee within the department, shall be the chairman of the review board. The review board shall hold a regular monthly meeting. Notice of all meetings of the review board shall be given to each member by the chairman at least ten (10) days in advance of each meeting, unless otherwise agreed by the members.

(3) The review board shall execute, carry out, administer, and enforce the provisions of this chapter in the manner provided in this section.

(4) The review board may:

(a) Take evidence and issue orders concerning the permitting of a coalbed methane well, its location, stimulation, and the completion pursuant to Section 3 of this Act; issue pooling orders in accordance with subsection (1) of Section 16 of this Act; issue orders regarding the establishment or modification of drilling units for coalbed methane wells, field rules relating to the drilling, completion, and production of coalbed methane wells; and requests for the unitization of coalbed methane wells, pools, and fields;

(b) Promulgate and enforce administrative regulations and rules necessary to govern the practice and procedure

before the review board;

(c) Make relevant investigations of records and facilities as it deems proper in connection with ruling on any objections to a proposed coalbed methane well, its location, the proposed stimulation, or the proposed completion; and

(d) Issue subpoenas for the attendance and sworn testimony from witnesses and subpoenas duces tecum for the production of any books, records, maps, charts, diagrams, electronic data, and other pertinent documents or data in the review board's own name or at the request of any party.

SECTION 13. A NEW SECTION OF KRS CHAPTER 349 IS CREATED TO READ AS FOLLOWS:

(1) The department shall notify the review board of the objection, request, or appeal as set forth in subsection (1) of Section 12 of this Act and schedule a time and place for a hearing.

(2) Notice of the hearing shall be given not less than fifteen (15) days in advance of the hearing to the applicant, surface owners, and all other parties as required under Section 4, 14, or 17 of this Act, as applicable. The hearing of the review board shall be held within thirty (30) days after the filing of the objection, request or appeals or as soon thereafter as the review board can be assembled.

(3) All proceedings before the review board shall be conducted in accordance with KRS Chapter 13B.

(4) With respect to any objection filed pursuant to Section 3 of this Act concerning the proposed coalbed methane well, or its location, stimulation or completion, appeals arising under subsection (5) of Section 4 of this Act, or requests for a hearing arising under this chapter, the review board shall make a determination as to whether a permit shall be issued by the department and any conditions to be included within the permit, which determination and order shall be consistent with the intent and purposes of KRS Chapters 350 and 352 and this chapter, taking into consideration the following factors that it considers applicable in the particular proceeding:

(a) The declaration of public policy and legislative findings as set forth in this chapter;

(b) Whether the proposed coalbed methane well can be drilled safely, taking into consideration the dangers from creeps, squeezes or other disturbances due to the extraction of coal;

(c) The feasibility of moving the proposed drilling location to another location;

(d) Whether any stimulation of the workable coalbed will have a significant adverse affect on the mineability of that workable coalbed or any other workable coalbeds within five hundred (500) of the proposed coalbed methane well to be stimulated or within the five hundred (500) foot horizontal radius and fifty (50) vertical feet above or below the workable coalbed proposed to be stimulated or impair mine safety;

(e) Whether the drilling location is above or in close proximity to any mine opening, shaft, entry, travelway, airway, haulageway, drainageway or passageway, or to any proposed extension thereof, any abandoned, operating coal mine or any coal mine already surveyed and platted but not yet being operated;

(f) Whether the proposed drilling can reasonably be done through an existing or planned pillar of coal, or in close proximity to an existing or planned pillar of coal, taking into consideration the surface topography;

(g) The extent to which the proposed drilling location interferes with the safe recovery of coal or coalbed methane;

(h) The extent to which the proposed drilling location will unreasonably interfere with present or future coal mining operations;

(i) The technology and methods proposed for the safe and efficient recovery of coal and coalbed methane;

(j) The practicality of locating the coalbed methane well out of a uniform pattern with other wells;

(k) The surface topography and use; and

(l) Any other factor the review board determines would be considered consistent with KRS Chapters 350 and 352 and this chapter.

(5) Upon consideration of the matters raised at the hearing, the review board shall render a decision based upon the ability to mine any affected workable coalbed safely and the protection of any workable coalbed for safe future mining, shall enter a written order containing findings of fact and conclusions which address any relevant considerations in subsection (4) of this section, and based thereon shall issue and file with the department a written order directing it to:

(a) Refuse to issue a coalbed methane well permit;

(b) Issue a permit for the proposed coalbed methane well location and any conditions to be included within the permit;

(c) Issue a coalbed methane well permit and any conditions to be included within the permit for an alternate drilling location different from that requested by the applicant; or

(d) Issue a permit authorizing the applicant to stimulate the coalbed methane well in the absence of an agreement of the affected coal interest holders as described in subsection (1) of Section 9 of this Act, as proposed or as modified by the order of the review board.

(6) With respect to any request for a hearing pursuant to Section 5 of this Act by a coalbed interest holder, or any record oil or gas lessor or lessee of any tract being penetrated by a coalbed methane well, to determine whether the well has

been abandoned and should be plugged in accordance with this chapter, the review board shall make a determination as to whether the coalbed methane well should be plugged, which determination and order shall be consistent with the intent and purposes of KRS Chapters 350 and 352 and this chapter, taking into consideration the following factors that it considers applicable in the particular proceeding:

(a) Whether the coalbed methane well has ceased to produce in paying quantities, and no dewatering operations are being conducted, for a period of fifteen (15) consecutive months;

(b) Whether the coalbed methane well is being temporarily shut in by the coalbed methane well operator; and

(c) Any other factor the review board determines should be considered consistent with this section.

(7) Upon consideration of the matters raised at the hearing, the review board shall render a decision based upon whether the coalbed methane well has been abandoned and should be plugged in accordance with this chapter; shall enter a written order containing findings of fact and conclusions which address any relevant consideration in subsection (6) of this section based thereon; and shall issue and file with the department a written order directing the department to:

(a) Require the coalbed methane well operator to plug and abandon the well;

(b) Allow the coalbed methane well operator to continue to operate and produce the well; or

(c) Allow the coalbed methane well operator to continue to shut in the coalbed methane well on a temporary basis.

(8) Upon receipt of the review board order, the department shall promptly undertake the action directed by the review board, provided that all other provisions of this chapter have been complied with.

SECTION 14. A NEW SECTION OF KRS CHAPTER 349 IS CREATED TO READ AS FOLLOWS:

(1) In order to prevent the waste of coalbed methane or to protect the correlative rights of the owners of coalbed methane, the review board on its own motion or upon application of an operator of a coalbed methane well or owner of coalbed methane shall have the power to establish or modify drilling units, establish or modify field rules, or unitize coalbed methane wells, pools or fields. Drilling units, to the extent reasonably possible, shall be of uniform shape and size for an entire pool or field. Any operator of a coalbed methane well or owner of coalbed methane may apply to the review board for the creation or modification of drilling units, the establishment or modification of field rules for a pool or field, and the unitization of any coalbed methane wells, pools, or fields.

(2) With respect to any request for the creation or modification of drilling units, establishment or modification of field rules for the pool or field, and the unitization of any coalbed methane wells, pools, or fields, the review board shall grant or deny the request and issue an order consistent with the intent and purposes of KRS Chapters 350 and 352 and this chapter, taking into consideration the following factors that it considers applicable in the particular proceedings:

(a) The area which may be drained efficiently and economically by the proposed coalbed methane well or wells and the spacing requirements of Section 15 of this Act;

(b) The plan of development for the coal, that drilling units conform to mine development plans, and the need for proper ventilation of any mines or degasification of any affected coal seams;

(c) The nature and character of any coal seam or seams which will be affected by the coalbed methane well or wells;

(d) The surface topography and mineral boundaries of the lands underlaid by the coal seams to be included in the unit;

(e) Evidence relevant to the proper boundary of the drilling unit;

(f) The nature and extent of ownership of each coalbed methane owner or claimant and whether conflicting claims exist;

(g) Whether the applicant for the drilling unit proposes to be the operator of the coalbed methane well within the drilling unit; and if so, whether the applicant has a lease or other agreement from the owners or claimants of a majority interest in the proposed drilling unit;

(h) Whether a disagreement exists among the coalbed methane owners or claimants over the designation of the operator for any coalbed methane well within the drilling unit; and if so, relevant evidence to determine which operator can properly and efficiently develop the coalbed methane within the drilling unit for the benefit of the majority of the coalbed methane owners;

(i) If more than one person is interested in operating a coalbed methane well within the drilling unit, the estimated cost of submitting by each such person for drilling, completing, operating and marketing the coalbed methane from any proposed coalbed methane well or wells;

(j) Any other available geological or scientific data pertaining to the pool which is proposed to be developed;

(k) The correlative rights of the operators and owners of coalbed methane, so that each operator and owner may obtain his or her just and equitable share of production from the coalbed methane; and

(l) Any other factor the review board determines should be considered consistent with KRS Chapters 350 and 352, and this chapter.

(3) Upon consideration of the matters raised at the hearing, the review board shall render a decision based upon whether

to establish or modify a drilling unit, establish or modify field rules or establish or modify the unitization of coalbed methane wells, pools or fields. The review board shall enter a written order containing findings of fact and conclusions which address any relevant considerations in subsection (2) of this section and based thereon shall issue and file with the department a written order:

(a) Establishing or modifying a drilling unit, field rules or unitizing coalbed methane wells, pools or fields;

(b) Refusing to establish or modify a drilling unit, field rules or unitization of coalbed methane wells, pools or fields; or

(c) Attaching certain conditions to the establishment or modification of a drilling unit, field rules, or unitization of coalbed methane wells, pools or fields.

(4) In establishing or modifying a drilling unit for coalbed methane wells, and in order to accommodate the unique characteristics of coalbed methane development, the review board may require that drilling units conform to the mine development plan, if any. If requested by the coal interest holder, well locations and spacing shall correspond with mine operations, including the drilling of multiple coalbed methane wells on the same surface location of each drilling unit.

(5) If an order to establish or modify a drilling unit, field rules or unitization of coalbed methane wells, pools or fields will allow a coalbed methane well to be drilled into or through a workable coalbed, any coal interest holder and any record oil and gas lessor and lessee within the area to be covered by the drilling unit, field rules or unitization of coalbed methane wells, pools or fields may object to the establishment or modification of the drilling unit, field rules or unitization of coalbed methane wells, pools or fields.

(6) The review board may continue a hearing to allow for further investigation and the gathering and taking of additional data and evidence. If at any time during a hearing there is not sufficient evidence for the review board to determine field boundaries, or drilling unit size or shape, the review board may enter a temporary order establishing provisional drilling units, and field boundaries for the orderly development of the pool or field, pending receipt of the information necessary to determine the ultimate pool or field boundaries, and spacing of wells for the pool or field. Upon additional findings of fact, the boundaries of a pool or field and drilling units for the pool or field may be modified by the review board.

(7) Unless otherwise provided for by the review board, after an application for a hearing to establish or modify drilling units or pool boundaries has been filed, no additional wells shall be permitted in the pool or field until the review board's order establishing or modifying the pool or field or unit has been entered.

(8) After the review board issues a field or pool spacing order which creates drilling units or a pattern of drilling units for a pool or field, should an operator or owner of coalbed methane apply for a permit or otherwise indicate a desire to drill a coalbed methane well outside of such drilling units or pattern of drilling units and thereby potentially extend the pool or field, the review board may, on its own motion or the motion of any interested person, require that the coalbed methane well be located and drilled in compliance with the provisions of the order affecting the pool or field.

SECTION 15. A NEW SECTION OF KRS CHAPTER 349 IS CREATED TO READ AS FOLLOWS:

Except as provided in Section 14 of this Act, or pursuant to voluntary pooling, no permit shall be issued for a coalbed methane well unless the proposed location of a vertical well shall be at least seven hundred fifty (750) feet horizontally from the nearest mineral boundary upon which the well is to be drilled and the proposed location shall be at least one thousand five hundred (1,500) feet horizontally from the nearest coalbed methane well, unless the department orders that a different spacing distance shall apply. Spacing distances for coalbed methane horizontal wells shall be separately established by the department pursuant to this subchapter.

SECTION 16. A NEW SECTION OF KRS CHAPTER 349 IS CREATED TO READ AS FOLLOWS:

(1) Whenever an applicant proposes to drill, deepen, convert, or reopen a well for purposes of production of coalbed methane and the ownership of the right to produce coalbed methane is in dispute, the department shall refer the application to the review board for its consideration and the issuance of appropriate pooling orders, if any, in accordance with Section 17 of this Act. Upon the issuance of a pooling order by the review board, and if all other provisions of this chapter are complied with the department shall issue a permit to drill, deepen, convert, or reopen the well and require the development and operation of all pooled tracts and interests as a single leasehold estate in accordance with the pooling order.

(2) No pooling as permitted by this section shall be ordered except:

(a) When an application has been filed to drill, deepen, or reopen a well within the distance limitations prescribed in Section 15 of this Act; or

(b) A request for pooling has been made pursuant to this section or Section 17 of this Act.

(3) No pooling, as permitted by this section, shall be ordered with respect to any tract or portion thereof upon which a well is drilled, deepened, or converted or reopened:

(a) Unless the pooling was requested prior to the commencement of the drilling, deepening, converting, or reopening of the coalbed methane well; and

(b) Unless the request, if made by the owner of an operating interest who elects to participate in the risk and cost of

the drilling, deepening, converting, or reopening of the coalbed methane well, is accompanied by a bond or other security satisfactory to and in an amount set by the review board for the payment of such owner's share of the cost of drilling, deepening, converting, or reopening the well.

(4) Production from any well which is ordered pooled pursuant to this section shall be deemed for all purposes to have been so produced from each tract or portion thereof included in the pool in proportion to the amounts established in the pooling order.

SECTION 17. A NEW SECTION OF KRS CHAPTER 349 IS CREATED TO READ AS FOLLOWS:

(1) The person requesting a pooling order shall provide to the department a list of all persons reasonably known to own an oil or gas interest and all coal interest holders, in any tract upon which the coalbed methane well will be located from the surface to a depth of one hundred (100) feet below the base of the deepest coal seam to be penetrated. A pooling order shall be made only after the department provides notice to all persons reasonably known to own an oil or gas interest and all coal interest holders in any tract upon which the well will be located and any tract or portion thereof proposed to be pooled in any drilling unit, from the surface to a depth of one hundred (100) feet below the base of the deepest coal seam to be penetrated, after a hearing has been held. After filing an application for a pooling order under subsection (1) of Section 16 of this Act, where unknown or nonlocatable owners exist, or at the request of the permit applicant or person requesting a pooling order, the permit applicant shall publish, at least twenty (20) days prior to the hearing on the application for the pooling order, one (1) notice in the newspaper of the largest circulation in each county in which any tract, or portion thereof, proposed to be pooled is located. The notice shall:

(a) State that an application for a pooling order is being filed with the review board;

(b) Describe any tract, or portion thereof, proposed to be pooled;

(c) In the case of an unknown owner, identify the name of the last known owner;

(d) In the case of a nonlocatable owner, identify the owner and the owner's last known address; and

(e) State that any party claiming an interest in any tract, or portion thereof, proposed to be pooled should contact the permit applicant at the published address and provide a copy of the notification to the review board within twenty (20) days of the date of the publication.

(2) The review board shall grant or deny the request for a pooling order and issue an order consistent with the intent and purposes of KRS Chapters 350 and 352 and this chapter, taking into consideration the following factors that it considers applicable in the particular proceeding:

(a) The area which may be drained efficiently and economically by the proposed coalbed methane well or wells and the spacing requirements of Section 15 of this Act;

(b) The plan of development of the coal and the need for proper ventilation of any mines or degasification of any affected coal seams;

(c) The nature and character of any coal seam or seams which will be affected by the proposed coalbed methane well or wells;

(d) The surface topography and mineral boundaries of the lands underlaid by the coal seams to be included in the unit;

(e) Evidence relevant to the proper boundary of the drilling unit;

(f) The nature and extent of ownership of each coalbed methane owner or claimant and whether conflicting claims exist;

(g) Whether the applicant for the drilling unit proposes to be the operator of the coalbed methane well or wells within the drilling unit; and if so, whether the applicant has a lease or other agreement from the owners or claimants of a majority interest in the proposed drilling unit;

(h) Whether a disagreement exists among the coalbed methane owners or claimants over the designation of the operator for any coalbed methane wells within the unit, and if so, relevant evidence to determine which operator can properly and efficiently develop the coalbed methane within the unit for the benefit of the majority of the coalbed methane owners;

(i) If more than one person is interested in operating a coalbed methane well within the unit, the estimated cost submitted by each such person for drilling, completing, operating, and marketing the coalbed methane from any proposed coalbed methane well or wells;

(j) Any other available geological or scientific data pertaining to the pool which is proposed to be developed;

(k) The correlative rights of the operators and owners of the coalbed methane, so that each operator and owner may obtain his or her just and equitable share of production from the coalbed methane; and

(l) Any other factor the review board determines should be considered consistent with KRS Chapters 350 and 352 and this chapter.

(3) Upon consideration of the matters raised at the hearing, the review board shall render a decision based upon whether to grant a pooling order, and shall enter a written order containing findings of fact and conclusions which address any relevant considerations in subsection (2) of this section and based thereon shall issue and file with the department a

written order granting the pooling order with any applicable conditions or denying the pooling order.

(4) A pooling order shall authorize the drilling, deepening, or reopening, and the operation of a well for the production of coalbed methane on the tracts or portions thereof pooled; shall designate the operator to drill and operate the well; shall prescribe the time and manner in which all owners of working interests in the pooled tracts or portions thereof may elect to participate therein; shall provide that all reasonable costs and expenses of drilling, deepening, converting or reopening, and the completing, operating, plugging, and abandoning the well shall be borne, and all production from the well shall be shared, by all owners of working interests in proportion to the net mineral acres in the pooled tracts owned or under lease to each owner; and shall make provision for the payment of the reasonable and actual cost thereof, including a reasonable charge for supervision, by all those who elect to participate therein.

(5) A pooling order shall establish a procedure for the owner who claims a working interest and who does not decide to become a participating working interest owner to elect to either:

- *(a) Surrender, by means of sale or lease, the interest to a participating working interest owner on a reasonable basis and for a reasonable consideration, which if not agreed upon shall be one-eighth (1/8) of the production attributable to the well; or*
- *(b) Share in the operation of the well as a nonparticipating working interest owner on a carried basis after the proceeds allocable to his or her share equal to two hundred percent (200%) of the share of the costs allocable to his or her interest.*

(6) A coalbed methane owner or claimant whose identity and location remain unknown at the conclusion of the hearing concerning the entry of a pooling order for which public notice was given and whose interest is pooled pursuant to subsection (1) of Section 16 of this Act shall be deemed to have elected to lease the interest to the coalbed methane operator, exclusive of one-eighth (1/8) of the production attributable to the unleased interest, and shall not be entitled to make the election established in subsection (5) of this section.

(7) Except as provided in this section, a coalbed methane owner who does not make an election under the pooling order within thirty (30) days of the entry of the order shall be deemed to have leased the coalbed methane interest to the coalbed methane well operator in the manner established in subsection (6) of this section.

(8) A person whose interest is subject to a coalbed methane lease or other agreement which grants to another the right to operate or conduct operations shall not own an operating interest for the purposes of this section.

(9) A certified copy of any pooling order entered under this section shall be entitled to be recorded in the office of the county clerk of the county or counties in which all or any portion of the pooled tract is located, and the record of the order, from the time of lodging the order for record, shall be notice of the order to all persons.

(10) Each pooling order for a coalbed methane well issued pursuant to subsection (1) of Section 16 of this Act shall provide for the establishment of an interest-bearing escrow account to be maintained by the department. The escrow account shall receive deposits and hold payment for costs and proceeds attributable to the conflicting interests as follows:

- *(a) Each participating working interest owner, except for the unit operator, shall deposit in the escrow account the owner's proportionate share of the costs allocable to the ownership interest claimed by each participating working interest owner as set forth in the pooling order; and*
- *(b) The unit operator shall collect all proceeds from the sale or use of coalbed methane and deposit in the escrow account all proceeds attributable to the conflicting interests of lessors, lessees, or royalty owners and all proceeds in excess of the recovery of all capital costs and expenses and all ongoing operational expenses including reasonable overhead costs and operating fees attributable to conflicting working interests.*

(11) The department shall order payment of principal and accrued interest from the escrow account to all legally entitled entities within thirty (30) days of receipt by the department of notification of the final legal determination of entitlement or upon agreement of all entities claiming an ownership interest in the coalbed methane. Upon the department's final determination:

- *(a) Each legally entitled participating working interest owner shall receive a proportionate share of the proceeds attributable to the conflicting ownership interest;*
- *(b) Each legally entitled nonparticipating working interest owner shall receive a proportionate share of the proceeds attributable to the conflicting ownership interest, less the cost of being carried as a nonparticipating working interest owner as determined by the election of the person under the applicable pooling order;*
- *(c) Each person leasing or deemed to have leased its coalbed methane ownership interest to the unit operator shall receive a share of the royalty proceeds as set out in the applicable pooling order attributable to the conflicting interests of the lessees;*
- *(d) The unit operator shall receive the costs contributed to the escrow account by each legally entitled participating working interest owner, but only to the extent that the costs and expenses described in subsection (10)(b) of this section have not been recouped from production proceeds;*
- *(e) Each participating working interest owner who is determined not to hold an ownership interest shall receive a refund of all amounts placed in escrow pursuant to subsection (10)(a) of this section plus interest earned thereon; and*

(f) All amounts remaining in escrow, after distribution of amounts described in paragraphs (a), (b), (c), (d), and (e) of this subsection, shall be distributed to the legally entitled participating working interest owners in proportion to their interests.

SECTION 18. A NEW SECTION OF KRS CHAPTER 349 IS CREATED TO READ AS FOLLOWS:

(1) Any person aggrieved by any order issued by the review board under this chapter shall have the right to bring a civil action for review of the order by filing a complaint in the Circuit Court of the county in which the premises or any portion thereof is located as established by the order, or in Franklin Circuit Court.

(2) The civil action shall be brought within thirty (30) days after the order is issued, and in the event no civil action is filed within the thirty (30) day period, the order shall be final.

(3) In any civil action the burden of proof shall be upon the party challenging the order. The order shall be deemed prima facie valid. Any party to the civil action may offer evidence for any part of the record of the hearing which resulted in the order, and any other relevant evidence.

(4) In any civil action no new evidence may be introduced, except as to fraud or misconduct of some person engaged in the hearing before the review board. New evidence may be introduced if, upon motion and for good cause shown, the court determines that the interest of justice will be better served by the introduction of new evidence. The court, sitting without a jury, shall hear the cause upon the record before it. The court shall dispose of the civil action in a summary manner, being limited to determining whether or not: the review board acted without or in excess of its powers; the order was procured by fraud; the order is not in conformity with the provisions of this chapter; the order is clearly erroneous on the basis of reliable, probative, and material evidence contained in the whole record; the order is arbitrary, capricious, characterized by abuse of discretion, or clearly unwarranted exercise of discretion. The court shall enter its findings in the order book as a judgment of the court, and the judgment shall have the effect and be enforceable the same as any other judgment of the court in civil cases.

(5) The practice, pleading, and proceedings in the civil action shall be in accordance with the Rules of Civil Procedure.

(6) During the pendency of the civil action, the court may stay the order until it shall enter its decree. The court shall have jurisdiction to enter a decree affirming or setting aside the order, or remand the cause with directions to modify the order to conform to the provisions of this chapter. Appeals may be taken by any party to the suit in the same manner and to the same extent as in other civil actions.

SECTION 19. A NEW SECTION OF KRS CHAPTER 349 IS CREATED TO READ AS FOLLOWS:

(1) A coalbed methane well penetrating one (1) or more workable coalbeds shall be drilled in a manner that will exclude, if practicable, all coalbed methane or coalbed methane pressure from the workable coalbed, except as is found in the workable coalbed itself. Each string of casing that is run through a workable coalbed shall be seated at least thirty (30) feet below the workable coalbed in twenty (20) feet of cement, mud, clay, or other nonporous material that will make an effective seal. If a second workable coalbed is found less than thirty (30) feet below the first workable coalbed, the casing shall be seated and mudded off as above provided at least thirty (30) feet below the second workable coalbed. If gas is found between the two (2) workable coalbeds, it shall be treated as prescribed by this chapter. After any such string of casing has been properly seated, drilling may proceed immediately.

(2) When a coalbed methane well is drilled through the horizon of a workable coalbed where the coal has been removed, the hole shall be drilled at least thirty (30) feet below the workable coalbed, and shall be of a size sufficient to permit the placing of a liner, which shall start not less than twenty (20) feet beneath the horizon of the workable coalbed and extend not less than twenty (20) feet above it. The largest sized casing to be used in the well shall be centrally placed within this liner. The liner may be welded to the casing to be used, and the space between the liner and the casing shall be filled with cement as the liner and casing are lowered into the hole. Cement shall be placed in the bottom of the hole to a depth of twenty (20) feet to form a sealed seat for both liner and casing. Following the setting of the liner, drilling may proceed. If it is necessary to drill through the horizon of two (2) or more workable coalbeds where the coal has been removed, the liner shall be started not less than twenty (20) feet below the lowest horizon penetrated and shall extend to a point not less than twenty (20) feet above the highest horizon penetrated.

SECTION 20. A NEW SECTION OF KRS CHAPTER 349 IS CREATED TO READ AS FOLLOWS:

If any coalbed methane well produces coalbed methane, all coal-protecting strings of casing shall remain in place during the life of the well. The top ends of all the strings shall be provided with casing heads or other suitable devices that will allow the free passage of coalbed methane and prevent filling the annular spaces outside the casing with dirt or debris.

SECTION 21. A NEW SECTION OF KRS CHAPTER 349 IS CREATED TO READ AS FOLLOWS:

(1) No person shall abandon or remove casings from any coalbed methane well, either dry or producing, without first plugging the well in a secure manner approved by the department and consistent with administrative regulations. Upon the department's plugging of an abandoned coalbed methane well in accordance with the requirements of this subsection, the department may sell all equipment removed from that well by sealed bid, or may include the equipment as part of compensation in the contract for the plugging of the well. Proceeds from the sale shall be deposited into the coalbed methane well plugging fund, established in subsection (3) of Section 24 of this Act.

(2) Not less than thirty (30) days before advertising for bids for the plugging of coalbed methane wells, the department

shall publish, in a newspaper of general circulation, and in locally published newspapers serving the areas in which the wells proposed for plugging are located, notices of all wells on which there is salvageable equipment, described as to farm name, Carter Coordinate, and state plane coordinate location, for which the department intends to seek bids for plugging. If a person other than the operator claims an interest in the equipment of a well proposed for plugging, the person shall provide documentation of that interest to the department within thirty (30) days of the date of publication of the notice of the department's intent to plug a well. Prior to the department's advertising of bids for the plugging of a well, the department shall release the well's equipment to the person deemed to have an interest in that equipment. It shall be the duty of the interest holder to remove the equipment before the well is plugged. If documentation as to an asserted interest is not provided to the department in the manner described in this subsection or if a person deemed to be an interest holder fails to remove the equipment before a well is plugged, the department may sell or otherwise dispose of the equipment in accordance with this section.

(3) If a person fails to comply with subsection (1) of this section, any person lawfully in possession of land adjacent to the coalbed methane well or the department may enter on the land upon which the well is located and plug the well in the manner provided in subsection (1) of this section, and may maintain a civil action against the owner or person abandoning the well, jointly or severally, to recover the cost of plugging the well. This subsection shall not apply to persons owning the land on which the well is situated, and drilled by other persons.

(4) In conjunction with the plugging and abandonment of any coalbed methane well or the reworking of any coalbed methane well, the operator shall restore the surface and any improvements thereon to a condition as near as practicable to their condition prior to commencement of work. The surface owner and operator may waive this requirement in writing, subject to the approval of the department that the waiver is in accordance with its administrative regulations.

SECTION 22. A NEW SECTION OF KRS CHAPTER 349 IS CREATED TO READ AS FOLLOWS:

(1) The department shall exercise supervision over the drilling, casing, plugging, and filling of all coalbed methane wells. The department shall exercise supervision over all mining operations in close proximity to any well. The department shall have access to the records and properties of coal, oil, gas and coalbed methane operators when necessary.

(2) The department may receive, or may file on its own motion, formal complaints that drilling or mining operations are being conducted contrary to the provisions of this chapter or to the order of the department or review board, and shall hold administrative hearings on the complaints, in accordance with KRS Chapter 13B. Following a hearing, the department shall issue a final order necessary to secure the proper administration of this chapter.

SECTION 23. A NEW SECTION OF KRS CHAPTER 349 IS CREATED TO READ AS FOLLOWS:

(1) The department is hereby authorized to adopt all rules, administrative regulations, and amendments to implement the provisions of this chapter. All rules, administrative regulations, and amendments promulgated under this chapter shall be promulgated by the department after notice and a hearing. At all hearings held to consider any rules, administrative regulations, or amendments thereto, any interested person shall be entitled to be heard.

(2) All hearings shall be held at a time and place as is specified by the department according to rules and regulations promulgated under this chapter. A written record of each hearing shall be kept; however, if not at variance with KRS 61.870 to 61.884, the keeping of a record may be waived by all parties who participate therein. All interested persons shall be entitled to be heard at all hearings conducted under this chapter.

(3) Operators shall submit annual production information for each coalbed methane well on a form prescribed by the department.

SECTION 24. A NEW SECTION OF KRS CHAPTER 349 IS CREATED TO READ AS FOLLOWS:

(1) When any person submits to the department an application for a permit to drill a coalbed methane well, or to reopen, deepen, or temporarily abandon any coalbed methane well which is not covered by a surety bond, the department shall, except as provided in this section, require from the well operator a bond in the sum of five thousand dollars ($5,000). The bonds shall be made in favor of the Department of Natural Resources, conditioned that the wells upon abandonment shall be plugged in accordance with the administrative regulations and that all records required by the department be filed as specified. All bonds shall remain in effect until the plugging of the well is approved by the department, or the bond is released by the department. Any well operator in lieu of the bond may file with the department a blanket bond in a sum of one hundred thousand dollars ($100,000), covering all coalbed methane wells drilled or to be drilled in the Commonwealth by the principal in the bond, and the acceptance and approval by the department of the blanket bond shall be in full compliance with the above provision requiring an individual well bond. The department may establish a bond in a sum greater than five thousand dollars ($5,000) for an individual well or blanket bond in sum greater than one hundred thousand dollars ($100,000) if the department determines that the particular circumstances of the drilling of the well or wells warrant an increase in the bond amount. A deposit in cash or a bank-issued irrevocable letter of credit may serve in lieu of either of the individual well or blanket bonds. A certificate of deposit, the principal of which is pledged in lieu of a bond and whose interest is payable to the party making the pledge, may also be accepted by the department. If an operator is required to post individual well bonds exceeding a total of five thousand dollars ($5,000) or elects to post a blanket bond, the certificate of deposit shall be accepted by the department in lieu of that portion of the amount of the bonds exceeding five thousand dollars ($5,000). The bond or bonds referred to in this section shall be executed by the well operator as principal and, if a surety bond,

by a corporate surety authorized to do business in the Commonwealth. A deposit in cash shall serve in lieu of either of the above bonds; all cash bonds accepted by the department shall be deposited into an interest-bearing account, with the interest thereon payable to the special agency account known as the coalbed methane well plugging fund, created in subsection (3) of this section, to be used in accordance with the purposes described therein.

(2) A successor to the well operator shall post bond, pay a twenty-five dollar ($25) fee per well to the department, and notify the department in writing in advance of commencing use or operations of a well or wells. The successor shall assume the obligations of this chapter as to a particular well or wells and relieve the original permittee of responsibility under this chapter with respect to the well or wells. It shall be the responsibility of the selling operator to require the successor operator to post bond before use or operation is commenced by the successor and relief of responsibility under this chapter is granted to the original permittee.

(3) All sums received through the forfeiture of bonds shall be placed in the State Treasury and credited to a special agency account to be designated as the coalbed methane well plugging fund, which shall be in an interest-bearing account with the interest thereon payable to the fund. This fund shall be available to the department and shall be expended for the plugging of any abandoned coalbed methane wells coming within the authority of the department pursuant to this chapter. The plugging of any coalbed methane wells pursuant to this subsection shall not be construed to relieve the operator or any other person from civil or criminal liability which would exist except for the plugging. Any unencumbered and any unexpended balance of this fund remaining at the end of any fiscal year shall not lapse but shall be carried forward for the purpose of the fund until expended or until appropriated by subsequent legislative action.

SECTION 25. A NEW SECTION OF KRS CHAPTER 349 IS CREATED TO READ AS FOLLOWS:

(1) Any person to whom a permit is issued pursuant to this chapter shall file, within ninety (90) days after termination of operations conducted under the permit, with the department for transmittal to the Kentucky Geological Survey on forms to be furnished by the department the following information relating to the well:

(a) A copy of the driller's log certified to be true and accurate;

(b) The depth and thickness of all water zones encountered and logged;

(c) The depth of all showing of oil, gas, or coalbed methane;

(d) The depth and thickness of all coal seams encountered; and

(e) A true copy of all electrical surveys and similar logs and surveys taken. If the person to whom the permit is issued obtains a copy of the electrical survey or similar log or survey in electronic form, the operator shall submit the electrical survey or similar log in electronic form if requested by the department.

(2) Upon request by the department, any person to whom a permit is issued shall save for the Kentucky Geological Survey samples of all cuttings from the well drilled or deepened pursuant to the permit for a period of ninety (90) days after completion thereof.

(3) Upon request by any person furnishing information under this section, the information shall be kept confidential, for a period of one (1) year after the information is furnished by such person.

(4) This section shall not apply to wells drilled or deepened as geological or structure test holes.

SECTION 26. A NEW SECTION OF KRS CHAPTER 349 IS CREATED TO READ AS FOLLOWS:

(1) In all cases in which there has been a complete severance of the ownership of the coalbed methane from the ownership of the surface to be disturbed, the applicant for a coalbed methane well permit shall comply with all of the substantive requirements of KRS 353.5901 and 353.595.

(2) In all cases other than a complete severance of the ownership of coalbed methane from the ownership of the surface to be disturbed, the applicant for a coalbed methane well shall submit to the department an operations and reclamation proposal at the time of filing an application for a permit to drill, deepen, or reopen a coalbed methane well. The proposal shall be filed on forms provided by the department and shall include:

(a) A proposal to prevent erosion of and sedimentation from the well site and all disturbed areas, including roads;

(b) A narrative description of the location of all areas to be disturbed, including the location of roads, gathering lines, the well site, tanks, and other storage facilities, and any other information that may be required by the department. Accompanying this narrative description shall be a plat depicting the location on the land of all of these disturbances or facilities; and

(c) Any additional information that the department may require.

SECTION 27. A NEW SECTION OF KRS CHAPTER 349 IS CREATED TO READ AS FOLLOWS:

(1) Each coalbed methane well permit issued under this chapter shall expire one (1) year after the date issued, unless the drilling, deepening, or reopening of a coalbed methane well is commenced prior to the expiration of the one (1) year period. However, the permit term shall be extended by one (1) year if, prior to the expiration date, the permit applicant:

(a) Notifies the department in writing of the applicant's request for an extension;

(b) Notifies all coal interest holders originally entitled to receive a copy of the plat under Section 3 of this Act;

(c) Submits an affidavit, or verified statement, stating that the information in the original permit application is still correct; and

(d) Submits a fee for the extension in an amount equal to the permit fee required by Section 8 of this Act.

(2) The extension of the permit term pursuant to subsection (1) of this section shall not create a right to object to the coalbed methane well location under Section 4 of this Act nor to mediation under KRS 353.5901.

SECTION 28. A NEW SECTION OF KRS CHAPTER 349 IS CREATED TO READ AS FOLLOWS:

In any case where title to subsurface minerals has been severed in such a way that title to natural gas underlying the tract and title to coal underlying the tract are in different persons, it shall be an affirmative defense to any action for willful trespass arising from the drilling, development, operation, and production of coalbed methane from any coal seam or gob area underlying the tract, that the operator of the coalbed methane well permitted, drilled, completed, and produced the coalbed methane well under color of title of any instrument, deed, or lease for oil and gas purposes from the gas owner, or any instrument, deed, or lease for coal mining purposes from the coal owner.

SECTION 29. A NEW SECTION OF KRS CHAPTER 349 IS CREATED TO READ AS FOLLOWS:

(1) Whenever it appears that a person is violating or threatening to violate any provision of this chapter, or any rule, administrative regulation, or order promulgated or issued under this chapter, the department may bring suit against the person in the Circuit Court of the county where the violation occurred or is threatened, the Circuit Court in the county in which the defendant resides or in which any defendant resides if there is more than one (1) defendant, or the Franklin Circuit Court to restrain the person from continuing the violation or from carrying out the threatened violation. In the suit, the court shall have jurisdiction to grant without bond or other undertaking the prohibitory or mandatory injunction as the facts may warrant, including a temporary restraining order or injunction.

(2) Whenever it appears that any person is violating any provision of this subchapter, or any rule, administrative regulation or order promulgated or issued hereunder, the Attorney General or any person who is adversely affected by the violation may bring suit to restrain the violation in any court in which the department might have brought suit. The department shall be made a party defendant in the suit in addition to the person allegedly violating a provision or any rule, administrative regulation, or order promulgated or issued under this chapter.

SECTION 30. A NEW SECTION OF KRS CHAPTER 349 IS CREATED TO READ AS FOLLOWS:

(1) Nothing in this chapter shall be construed as affecting, in any way, the right of any person to enforce or protect, under applicable law, his or her interest in water resources affected by a coalbed methane well or related operations.

(2) The operator of a coalbed methane well shall replace the water supply of an owner of an interest in real property who obtains all or part of his or her supply of water for domestic, agricultural, industrial, or other legitimate use from an underground or surface source where the supply has been affected by contamination, diminution, or interruption proximately resulting from the operation of a coalbed methane well.

SECTION 31. A NEW SECTION OF KRS CHAPTER 349 IS CREATED TO READ AS FOLLOWS:

(1) Any person who violates any provision of this chapter shall be subject to a fine of not more than one thousand dollars ($1,000) or imprisonment for a term not exceeding one hundred eighty (180) days, or both.

(2) Any person who continues to violate any provision of this chapter, or any administrative regulation or order promulgated or issued under this chapter after being notified in writing of the violation by the department, shall be subject to a fine of not more than one thousand dollars ($1,000) or imprisonment for a term not exceeding one hundred eighty (180) days, or both.

(3) Any person who does any of the following for the purpose of evading or violating this chapter or any administrative regulation or order promulgated or issued under this chapter shall be subject to a fine of not more than one thousand dollars ($1,000) or imprisonment for a term not exceeding one hundred and eighty (180) days, or both:

(a) Makes or causes to be made a false entry or statement in a report, record, account, or memorandum, required by this chapter, or by any administrative regulation or order under this chapter;

(b) Omits or causes to be omitted from a report, record, account, or memorandum full, true, and correct entries and information as required by this chapter, or by any administrative regulation or order under this chapter; or

(c) Removes from this Commonwealth or destroys, mutilates, alters, or falsifies a report, record, account, or memorandum required by this chapter, or by any administrative regulation or order.

(4) Any person who knowingly aids or abets any other person in the violation of any provision of this chapter, or any administrative regulation or order promulgated or issued under this chapter, shall be subject to the same penalty as that prescribed in this section for the violation by the other person.

SECTION 32. A NEW SECTION OF KRS CHAPTER 349 IS CREATED TO READ AS FOLLOWS:

(1) Nothing in this chapter shall be construed to preclude any coal interest holder from removing support of the surface and any structure or facilities thereon and other strata as such rights may exist in any severance deed or other contract.

(2) Nothing in this chapter is intended to or shall be construed as superseding, impairing, abridging, or affecting any specific contractual rights or obligations now or hereafter existing between the respective owners of coal, oil, gas, or other minerals, or any interests therein.

(3) Nothing in this chapter shall be construed to, or be used or interpreted to, determine ownership.

(4) Nothing in this chapter shall be construed to, or be used or interpreted to, apply to any well otherwise permitted, approved, or regulated under KRS Chapter 353 except for the wells that are to be converted to or operated as coalbed methane wells.

(5) Nothing in this chapter shall be construed to authorize any limitation of production of coalbed methane from any coalbed methane well, lease, drilling unit, pool, field, or property to prevent or control economic waste or to limit production to market demand.

(6) This chapter shall be liberally construed so as to effectuate the declaration of public policy set forth in Section 1 of this Act.

(7) Coalbed methane wells shall not be subject to the provisions of KRS Chapter 353, except as expressly provided in this chapter.

(8) Gathering lines associated with coalbed methane wells shall be regulated under KRS 353.500(2) and the regulations promulgated thereunder.

Representative Buckingham moved that the House concur in the Senate Committee Substitute to **HB 577**. Agreed.

Representative Buckingham moved that **HB 577**, by way of Senate Committee Substitute, be passed.

On the roll call the vote was: **Yeas 93, Nays 0** (See March 25, 2004, roll call on **HB 577** - Appendix.)

HB 577, by way of Senate Committee Substitute, was passed and the title agreed to.

Representative Buckingham moved that the vote by which **HB 577**, by way of Senate Committee Substitute, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 97, with Senate Floor Amendments attached thereto, taken from the Orders of the Day. Representative Adkins moved that it be placed upon its passage for concurrence or non concurrence. Agreed.

The Senate Floor Amendment No. 1 to **HB 97** is as follows:

HB 97, On page 11, after line 9 but before line 10, by inserting the following:

"Section 2. KRS 131.602 is amended to read as follows:

(1) Any tobacco product manufacturer selling cigarettes to consumers within this state, whether directly or through a distributor, retailer, or similar intermediary or intermediaries, after June 30, 2000, shall do one (1) of the following:

(a) Become a participating manufacturer, as that term is defined in section II(jj) of the master settlement agreement, and generally perform its financial obligations under the master settlement agreement; or

(b) Place into a qualified escrow fund by April 15 of the year following the year in question the following amounts, as such amounts are adjusted for inflation:

1. For 2000: $0.0104712 per unit sold after June 30, 2000;

2. For each of 2001 and 2002: $0.0136125 per unit sold;

3. For each of 2003 through 2006: $0.0167539 per unit sold; and

4. For 2007 and each year thereafter: $0.0188482 per unit sold.

(2) A tobacco product manufacturer that places funds into escrow pursuant to subsection (1)(b) of this section shall receive the interest or other appreciation on such funds as earned. Such funds themselves shall be released from escrow only under the following circumstances:

(a) To pay a judgment or settlement on any released claim brought against such tobacco product manufacturer by Kentucky or any releasing party located or residing in Kentucky. Funds shall be released from escrow under this paragraph in the order in which they were placed into escrow and only to the extent and at the time necessary to make payments required under such judgment or settlement;

(b) To the extent that a tobacco product manufacturer establishes that the amount it was required to place into escrow *on account of units sold in the state* in a particular year was greater than *the master settlement agreement payments, as determined pursuant to section IX(i) of that agreement including after final determination of all adjustments, that such manufacturer would have been required to make on account of such units sold*[~~Kentucky's allocable share of the total payments that such manufacturer would have been required to make in that year under the master settlement agreement, as determined pursuant to section IX(i)(2) of the master settlement agreement, and before any of the adjustments or offsets described in section IX(i)(3) of that agreement other than the inflation adjustment,~~] had it been a participating manufacturer, the excess shall be released from escrow and revert back to such tobacco product manufacturer; or

(c) To the extent not released from escrow under paragraph (a) or (b) of this subsection, funds shall be released from escrow and revert back to such tobacco product manufacturer twenty-five (25) years after the date on which they were placed into escrow.

(3) Each tobacco product manufacturer that elects to place funds into escrow pursuant to subsection (1)(b) of this section shall annually certify to the Attorney General that it is in compliance with subsections (1)(b) and (2) of this section. The Attorney General may bring a civil action on behalf of Kentucky against any tobacco product manufacturer that fails to place into escrow the funds required under this section. Any tobacco product manufacturer that fails in any year to place into escrow the funds required under this section shall:

(a) Be required within fifteen (15) days to place such funds into escrow as shall bring it into compliance with this section. The court, upon a finding of a violation of subsection (1)(b) or (2) of this section, may impose a civil penalty, to be paid to the general fund of Kentucky, in an amount not to exceed five percent (5%) of the amount improperly withheld from escrow per day of the violation and in a total amount not to exceed one hundred percent (100%) of the original amount improperly withheld from escrow;

(b) In the case of a knowing violation, be required within fifteen (15) days to place such funds into escrow as shall bring it into compliance with this section. The court, upon a finding of a knowing violation of subsection (1)(b) or (2) of this section, may impose a civil penalty, to be paid to the general fund of Kentucky, in an amount not to exceed fifteen percent (15%) of the amount improperly withheld from escrow per day of the violation and in a total amount not to exceed three hundred percent (300%) of the original amount improperly withheld from escrow; and

(c) In the case of a second knowing violation, be prohibited from selling cigarettes to consumers within Kentucky, whether directly or through a distributor, retailer, or similar intermediary, for a period not to exceed two (2) years.

Each failure to make an annual deposit required under this section shall constitute a separate violation."; and

On page 11, line 10, by deleting "2" and inserting in lieu thereof "3" and after "in" by inserting "Section 1 of"..

Representative Thomas moved that the House concur in Senate Floor Amendment No. 1 to **HB 97**.

The Speaker Pro Tem assumed the Chair.

Representative Wayne raised a point of order and inquired whether Revenue Bills must originate in the House.

Speaker Richards resumed the Chair.

The Speaker ruled that Senate Floor Amendment No. 1 is appropriate.

Representative S. Lee inquired whether Senate Floor Amendment No. 1 is germane.

The Speaker ruled that Senate Floor Amendment No. 1 is germane in that when a Floor Amendment is attached to a Bill in the Senate it becomes a part of the Bill.

Representative Bather moved to lay Senate Floor Amendment No. 1 to **HB 97** on the Table.

Representative Ford inquired whether it would take a majority of votes to lay the Floor Amendment on the Table.

The Speaker ruled that it would take a simple majority.

On the roll call to lay Senate Floor Amendment No. 1 to **HB 97** on the Table the vote was: **Yeas 40, Nays 45** (See March 25, 2004, roll call on **HB 97** - Appendix.)

The motion to lay Senate Floor Amendment No. 1 on the Table was defeated.

Representative Thomas moved that the House concur in Senate Floor Amendment No. 1.

On the roll call to concur with Senate Floor Amendment No. 1 the vote was: **Yeas 45, Nays 46** (See March 25, 2004, roll call to concur with Senate Floor Amendment No. 1 on **HB 97** - Appendix.)

The House refused to concur in Senate Floor Amendment No. 1 to **HB 97**.

Senate Message

Announcing passage: **HB 48, 373, 458, 493, 570, 572,** and **HCR 223**

Message received in regard to **HB 178**: The Senate has passed **HB 178** by way of Committee Substitute and respectfully requests concurrence of this Honorable Body.

Message received in regard to **HB 264**: The Senate has passed **HB 264** by way of Committee Substitute with the following Senate Committee Amendment No. 1 Title and respectfully requests concurrence of this Honorable Body.

Message received in regard to **HB 362**: The Senate has passed **HB 362** by way of Committee Substitute No. 2 with the following Senate Committee Amendment No. 3 and Senate Committee Amendment No. 2 Title and respectfully requests concurrence of this Honorable Body.

Message received in regard to **HB 434**: The Senate has passed **HB 434** by way of Committee Substitute and respectfully requests concurrence of this Honorable Body. (6:00 p.m.)

Motions, Petitions, and Communications

Representative Adkins moved the adoption of the following **HR 265**:

HR 265, A RESOLUTION adjourning the House of Representatives in loving memory and honor of David R. Gibson.

With deepest respect and admiration, we pay homage and tribute to our friend, David R. Gibson, and we pause in silent reverence for his soul.

WHEREAS, David Gibson was born on April 20, 1951, and departed this earth unexpectedly on March 24, 2004; and

WHEREAS, David Gibson was a graduate of Iroquois High School in Louisville and Eastern Kentucky University; and

WHEREAS, David Gibson joined the staff of Kentucky Educational Television on July 1, 1976 as a Master Control Switcher, marking the beginning of what would evolve into an outstanding 27-year career; and

WHEREAS, following many years in KET's Programming Division, he moved to the Production area where he served for four years as Director of "Kentucky Afield"; and

WHEREAS, David Gibson produced and directed three electronic Field Trips for use in Kentucky schools as a means of sharing the wonder and natural beauty of the Bluegrass State with young people throughout the Commonwealth; and

WHEREAS, since 1996, David Gibson served as Director of KET's popular program "Kentucky Tonight"; and

WHEREAS, beginning in 2000, David Gibson began producing KET's legislative coverage, continuing the outstanding tradition of sending a look inside the activities of the people's branch of government into homes and schools across the state; and

WHEREAS, David Gibson leaves behind a loving wife, Sheila and a host of beloved nieces and nephews; and

WHEREAS, David Gibson will be fondly remembered by members of the General Assembly, staff, and his colleagues at KET, not just as a consummate professional, but also as a gentle man with a quick wit and easy smile, who loved University of Louisville sports and time spent on the golf course; and

WHEREAS, a life well-lived should be measured by deeds, not years, and the passing of David Gibson has left a void that cannot be filled; and

WHEREAS, David Gibson is mourned across the length and breadth of his beloved Commonwealth;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. The House of Representatives does hereby express its profound sense of sorrow upon the passing of our friend, David R. Gibson, and extends to his family and friends its most heartfelt sympathy.

Section 2. When the House of Representatives adjourns this day, it does so in loving memory and honor of David R. Gibson.

Section 3. The Clerk of the House of Representatives is hereby directed to transmit a copy of this Resolution to Ms. Sheila Gibson, 4036 Kenesaw Drive, Lexington, Kentucky 40515-6272.

There being no objection, **HR 265** was adopted.

Representative Kerr moved the adoption of the following **HR 262**:

HR 262, A RESOLUTION adjourning the House of Representatives in loving memory and honor of Officer Douglas Bryant.

With deepest respect and admiration, we pay homage and tribute to Officer Douglas Bryant, and we pause in silent reverence for his soul.

WHEREAS, Doug Bryant was born on October 5, 1940, a native of Eubank, Pulaski County, Kentucky, and he traversed these earthly bounds on May 19, 2003, when he was killed in the line of duty while in pursuit of a vehicle on Interstate 75 in Kenton County; and

WHEREAS, Doug Bryant was the loving son of the late Lonnie and Ollie Bryant; he was the devoted husband of Sherry Bryant; and he was the caring father of one daughter, Kiana Bryant; and

WHEREAS, Officer Bryant had a 21 year career in law enforcement; he began his law enforcement career with the Bromley Police Department in 1978; in 1989, he was hired by the Division of Water Patrol which became part of the Department of Fish and Wildlife Resources in 1996; and

WHEREAS, Officer Bryant was a well respected and recognized expert in boating accident reconstruction, and he investigated every major boating accident in the Northern Kentucky area since 1989; and

WHEREAS, the passing of Officer Doug Bryant has left a void that cannot be filled, and he is mourned across the length and breadth of the Commonwealth by the hunters, anglers, boaters, and citizens of the Commonwealth that he swore to protect;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. The House of Representatives does hereby express its profound sense of sorrow upon the passing of Officer Douglas Bryant and extends to his family and many friends its most heartfelt sympathy.

Section 2. When the House of Representatives adjourns this day, it does so in loving memory and honor of Officer Douglas Bryant.

Section 3. The Clerk of the House of Representatives is hereby directed to transmit a copy of this Resolution to Mrs. Sherry Bryant, 1719 Highwater Road, Villa Hills, Kentucky 41017.

There being no objection, **HR 262** was adopted.

Representative J. Arnold moved the adoption of the following **HR 264**:

HR 264, A RESOLUTION adjourning the House of Representatives in loving memory and honor of Judge Faust Y. Simpson.

With deepest respect and admiration, we pay homage and tribute to Judge Faust Y. Simpson, our mentor and colleague, and we pause in silent reverence for his soul.

WHEREAS, Faust Y. Simpson was born on September 11, 1909, a native of Sturgis, and longtime resident of Morganfield, Union County, Kentucky, and he traversed these earthly bounds on March 21, 2004; and

WHEREAS, Faust Y. Simpson was the loving son of the late George B. and Octa Virginia Barbee Simpson; he was the devoted husband of 57 years to Mary Elizabeth Mills Simpson; he was the loving father of two sons, Thomas Edwin Simpson of Morganfield and William Faust Simpson of Louisville, and three daughters, Mary Virginia Simpson of Henderson, Alice Simpson Lovan of Bowling Green, and Laura Elizabeth Stefka of Boston; he was the proud grandfather of 10 grandchildren, and the proud great-grandfather of a great-granddaughter; and he also leaves behind a loving sister, Virginia Simpson Pope of Morganfield; and

WHEREAS, Faust Y. Simpson graduated from Sturgis High School; in September 1929, he enrolled at George Washington University and was awarded a Junior Certificate in 1934; he was readmitted to George Washington University, where he completed his Bachelor of Laws in 1938, and where he also was a member of Sigma Nu fraternity; and

WHEREAS, after being admitted to the Kentucky Bar, Faust Y. Simpson returned to his beloved Union County, where he began practicing law in Morganfield; while in private practice, he served his constituents from the 10th Legislative District with pride and distinction in the Kentucky House of Representatives from 1941 to 1945; he served as Commonwealth's Attorney for the fifth judicial district from 1946 through 1955; he was appointed to fill out the remaining term as Circuit Judge for the deceased Judge Marlin Blackwell, and was re-elected Circuit Judge for Henderson, Union, Webster, and Crittenden counties many times until his retirement in 1975; after retirement, he continued on the bench acting as special judge for the state Circuit Court; he then joined J. Quentin Wesley, and his son, Thomas E. Simpson, in private practice; and in 1992, he and his son established Simpson & Simpson law offices; and

WHEREAS, Faust Y. Simpson was a public servant in the very truest sense of the word; he will best be remembered and admired for his high moral principles, his commitment to justice, civility, and truthfulness, and his strong stand against illegal gambling activities, which resulted in the demise of widespread gambling in Henderson County; and

WHEREAS, the passing of Judge Faust Y. Simpson has left a void that cannot be filled, and he is mourned across the length and breadth of the Commonwealth;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. The House of Representatives does hereby express its profound sense of sorrow upon the passing of Judge Faust Y. Simpson, and extends to his family its most heartfelt sympathy.

Section 2. When the House of Representatives adjourns this day, it does so in loving memory and honor of Judge Faust Y. Simpson.

Section 3. The Clerk of the House of Representatives is hereby directed to transmit a copy of this Resolution to Mrs. Mary Elizabeth Mills Simpson, 403 East Waller Street, Morganfield, Kentucky 42437.

There being no objection, **HR 264** was adopted.

Representative Thomas moved the adoption of the following **Legislative Citation No. 107**.

The House of Representatives of the Commonwealth of Kentucky does hereby adjourn this legislative day in honor of James Chaney and joins with Representative Roger Thomas in congratulating this respected gentleman upon being named a Master Breeder of the American Jersey Cattle Association. Bestowed annually to a living AJCA member, family, partnership, or corporation that has "bred outstanding animals for many years and thereby made a notable contribution to the advancement of the Jersey breed in the United States," this prestigious award reflects the rich tradition of excellence in agriculture, particularly within the breeding of Jersey cows, that has long been established by the Chaney family and Chaney Farms. Most widely-recognized for his Al-Top Jerseys which hail in both name and bloodline from his own icons of the Jersey breed, Generators Topsy and Greenridge FW Chief Althea-ET, Mr. Chaney is further recognized throughout the industry for his marketing initiatives for Al-Top exemplified by the Chaney Family's offering of a once in a lifetime opportunity in December 2001 with the Salute to Althea Production Sale at Silent Auction which hosted breeders from across the nation celebrating years of innovative and practical breeding. Inasmuch as James Chaney, also a longtime member and former director of the American Jersey Cattle Club, has made such immeasurable contributions to the field of Jersey breeding and has earned the highest respect and regard of his colleagues and peers by his professional achievements, he is congratulated upon receiving this most recent and well-deserved accolade and is extended best wishes for future prosperity and success. Done in Frankfort, Kentucky, this twenty-fourth day of March, in the year two thousand and four.

Legislative Citation No. 107 was adopted without objection.

Representative B. Smith moved the adoption of the following **HR 270**:

HR 270, A RESOLUTION urging that September 25th of each year be designated as Bicycle Safety Awareness Day.

It is with heavy hearts and deep sadness that we learn of the premature passing of Marshea Nicole Neace, and we pause in silent reverence for her soul.

WHEREAS, Marshea Nicole Neace was born on August 25, 1994 and she traversed these earthly bounds on September 25, 2003; and

WHEREAS, Marshea Nicole Neace was the loving daughter of Malcolm Neace Jr. and Gerthan Campbell Neace of Grapevine; she was the loving sister of a brother, Mark Neace of Grapevine; and she also leaves behind her paternal grandmother, Mahala Williams of Tennessee, and her maternal grandmother, Clarine Campbell of Hardburly, and a loving nephew, Mark A. Neace Jr.; and

WHEREAS, Marshea Nicole Neace was a third grade student in Mrs. Rachel Turner's class at Chavies Elementary School in Perry County, where she played on the Biddy League basketball team; she enjoyed nature, being outdoors, and bicycle riding; and

WHEREAS, Marshea's legislative representative visited her classroom to discuss the legislative process, and her teacher asked the children to write letters to him about important things they thought the legislature should be working on; and it was on the Monday following Marshea's tragic bicycle accident that Representative Brandon Smith received her letter on the importance of bicycle safety and wearing helmets; and

WHEREAS, in the aftermath of this tragic accident on September 25, 2003, we are reminded of the grief and suffering afflicted upon the family and friends of Marshea Nicole Neace, how precious she was to her loved ones, and how her loved ones have been denied the opportunity of witnessing her reach her full potential; and

WHEREAS, so that this tragic event can be remembered, not only as a tragic event, but can also be remembered as the day on which the Transportation Cabinet, Department of State Police, Cabinet for Health and Family Services, Education Cabinet, and other state and local agencies unite to promote bicycle safety;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. The Governor of the Commonwealth, in cooperation with the Transportation Cabinet, Department of State Police, Cabinet for Health and Family Services, the Education Cabinet, and other state and local agencies, is urged by the House of Representatives to establish September 25th of each year as Bicycle Safety Awareness Day in the Commonwealth.

Section 2. The aforementioned agencies are urged to plan and deliver bicycle safety programs, offer bicycle and bicycle safety helmet inspections, bicycle safety instruction, and programs to increase motorist awareness of bicyclists through the schools, youth groups, and public safety agencies of the Commonwealth.

Section 3. The Clerk of the House of Representatives is hereby directed to transmit a copy of this Resolution to Mr. and Mrs. Malcolm Neace, 391 Noble Lane, Hazard, Kentucky 41701 so that they may know that their child's ultimate sacrifice was not in vain, but resulted in a special day to promote bicycle safety and reduce child deaths and injuries from bicycle accidents.

Section 4. The Clerk of the House of Representatives is also directed to transmit copies of this Resolution to Governor Ernie Fletcher, State Capitol, Frankfort, Kentucky 40601; to Secretary Maxwell Clay Bailey, Transportation Cabinet, Transportation Building, 200 Mero Street, Frankfort, Kentucky 40622; to James W. Holsinger Jr., M. D., Secretary, Cabinet for Health and Family Services, 275 East Main, Frankfort, Kentucky 40601; to Commissioner Mark L. Miller, Department of State Police, 919 Versailles Road, Frankfort, Kentucky 40601; and to Virginia Fox, Secretary, Education Cabinet, 300 West Broadway, Frankfort, Kentucky 40601.

There being no objection, **HR 270** was adopted.

On the roll call for co-sponsors the vote was: **Yeas 90**. (See March 25, 2004, roll call to show co-sponsors on **HR 270** - Appendix.)

Representative Hoffman moved that the rules be suspended to introduce and act on a Resolution. Agreed.

Introduction of Bills and Resolutions (Continued)

HR 271, by Representative Hoffman: A RESOLUTION urging the Lexington-Fayette Urban-County Government to appoint a resident of Scott County to the task force established to study the takeover of Kentucky American Water Company and provide a framework for operating and managing the water utility.

Representative Hoffman moved the adoption of the following **HR 271**:

HR 271, A RESOLUTION urging the Lexington-Fayette Urban-County Government to appoint a resident of Scott County to the task force established to study the takeover of Kentucky American Water Company and provide a framework for operating and managing the water utility.

WHEREAS, water supply is critical to the health, well-being. and economic development of any community; and

WHEREAS, Scott County is dependent, in part, for its water supply on the facilities currently operated by Kentucky American Water Company, facilities which will be directly impacted as a result of a takeover by the Lexington-Fayette Urban-County Government; and

WHEREAS, Scott County has already raised questions regarding the continued presence of these facilities in Scott County, should a takeover occur; and

WHEREAS, refusal to include input from Scott County residents in any proposed framework for operating and managing the water utility will lead to costly disputes at the taxpayers' expense and sour intercommunity relations and the hope for interlocal cooperation; and

WHEREAS, the residents of Scott County may be placed in a position of having no say on the entity that controls their future water supply, future water rates, and economic development; and

WHEREAS, this uncertainty and lack of control can impede regional relationships and breed needless complications, conflicts and costs; and

WHEREAS, the appointment of a resident of Scott County on the task force would ensure that the interests of Scott County are given proper hearing and adequate consideration; and

WHEREAS, the Gentleman from Scott, 62, would be an invaluable aid in bringing together the needs, concerns, and interests of all parties involved;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. The House of Representatives urges the Lexington-Fayette Urban-County Government to confer with the Gentleman from Scott, 62, and a representative of the Scott County Fiscal Court, and to include the Gentleman from Scott, 62, and the representative of Scott County in its deliberations concerning the condemnation proceedings of Kentucky American Water Company.

Section 2. The Clerk of the House of Representatives shall forward copies of this Resolution and notification of its adoption to Representative Charlie Hoffman for transmittal to George H. Lusby, Scott County Judge/Executive, and to Mayor Teresa Isaac, Lexington-Fayette Urban-County Government.

There being no objection, **HR 271** was adopted.

Representative Barrows moved the adoption of the following **HR 266**:

HR 266, A RESOLUTION urging the Interim Joint Committee on Local Government to study salaries and pension benefits of Lexington police and firefighters.

WHEREAS, more than a quarter million Kentucky citizens living in Lexington depend on the police and firefighters of that city to protect and defend their lives and property; and

WHEREAS, maintaining adequately staffed police and fire departments is essential to providing those protective services; and

WHEREAS, the wages and benefits provided to police and firefighters must be sufficient to compensate for the extraordinary danger and the physical toll experienced in those jobs; and

WHEREAS, the salary and benefit package are essential in attracting and retaining qualified professional personnel; and

WHEREAS, the police and fire departments of Lexington-Fayette Urban County Government have been plagued by excessive turnover because of the inadequate benefits and salaries;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House of Representatives of the General Assembly urges the Interim Joint Committee on Local Government to study the salaries and pension benefits of Lexington police and firefighters.

Section 2. Provisions of this Resolution to the contrary notwithstanding, the Legislative Research Commission shall have the authority to alternatively assign the issues identified herein to an interim joint committee or subcommittee thereof, and to designate a study completion date.

There being no objection, **HR 266** was adopted.

Representative Denham moved the adoption of the following **HR 246**:

HR 246, A RESOLUTION adjourning the House of Representatives in loving memory and honor of Katherine "Kay" Lansdale Wood.

With deepest respect and admiration, we pay homage and tribute to Katherine "Kay" Lansdale Wood, and we pause in silent reverence for her soul.

WHEREAS, Katherine Lansdale Wood was born on June 11, 1960, a native of Maysville, Mason County, Kentucky, and she traversed these earthly bounds on October 26, 2003; and

WHEREAS, Katherine Lansdale Wood was the loving daughter of Donald L. Wood and the late Peggy Parker Wood; she was the devoted wife of retired Circuit Judge Robert I. Gallenstein; she was the loving mother of two sons, Donald Chanslor Gallenstein and Benjamin Wood Gallenstein, and the loving step-mother of a step-son, Nicholas Gallenstein; and she also leaves behind a loving brother, Taylor Wood, and a loving step-mother, Debbie Wood; and

WHEREAS, Katherine Lansdale Wood graduated from Mason County High School in 1978; she graduated from Maysville Community College in 1980 and from Georgetown College in 1983, and she graduated from the Salmon P. Chase College of Law at Northern Kentucky University in 1986, after which time she was admitted to the practice of law, and later became a partner in the law firm of Fox, Wood, Wood, and Estill; and

WHEREAS, Katherine Lansdale Wood was an esteemed member of the Mason County community, where she was an outstanding citizen and a friend to many, and she will be sorely missed by all who had the good fortune of knowing her; and her funeral service was held on October 29, 2003 at the First Presbyterian Church in Maysville, with the Reverend William Reed and the Reverend Steve Gallenstein officiating; and

WHEREAS, the passing of Katherine "Kay" Lansdale Wood has left a void that cannot be filled, and she is mourned across the length and breadth of the Commonwealth;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. The House of Representatives does hereby express its profound sense of sorrow upon the passing of Katherine "Kay" Lansdale Wood, and extends to her family and many friends its most heartfelt sympathy.

Section 2. When the House of Representatives adjourns this day, it does so in loving memory and honor of Katherine "Kay" Lansdale Wood.

Section 3. The Clerk of the House of Representatives is hereby directed to transmit a copy of this Resolution to the Honorable Robert I. Gallenstein, 737 Clarks Run Road, Maysville, Kentucky 41056.

There being no objection, **HR 246** was adopted.

Representative Denham moved the adoption of the following **HR 252**:

HR 252, A RESOLUTION adjourning the House of Representatives in loving memory and honor of Earnest Baxter Stith and Mary Lucille Stith.

With deepest respect and admiration, we pay homage and tribute to Earnest Baxter Stith and Mary Lucille Stith, and we pause in silent reverence for their souls.

WHEREAS, Earnest Baxter Stith was born on April 20, 1916, a native of Meade County, Kentucky, and he traversed these earthly bounds on November 17, 1990; and

WHEREAS, Mary Lucille Stith was born on May 28, 1921, a native of Meade County, Kentucky, and she traversed these earthly bounds on November 1, 2000; and

WHEREAS, Earnest Baxter Stith and Mary Lucille Stith entered into the bonds of holy matrimony on May 10, 1941; they were married for 41 years, and they were devoted to each other; and

WHEREAS, Earnest Baxter Stith served his country with pride and distinction during World War II as a pilot; he graduated from Western Kentucky University, and he was a retired school teacher; and Mary Lucille Stith was a homemaker and mother; and

WHEREAS, Earnest Baxter Stith and Mary Lucille Stith were the loving parents of 11 children, Priscilla Ann Stith Padgett, Franklin B. Stith, Anthony F. Stith, Janet M. Stith Kessinger, Robert E. Stith, Richard T. Stith, Gregory L. Stith, Nancy L. Stith Padgett, Monica K. Stith Padgett, Bart H. Stith, and Eric G. Stith; and together, they were the proud grandparents of 34 grandchildren and the proud great-grandparents of 16 great-grandchildren; and

WHEREAS, the passing of Earnest Baxter Stith and Mary Lucille Stith has left a void that cannot be filled, and they are mourned across the length and breadth of the Commonwealth;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. The House of Representatives does hereby express its profound sense of sorrow at the passing of Earnest Baxter Stith and Mary Lucille Stith, and extends to their family its most heartfelt sympathy.

Section 2. The House of Representatives does hereby celebrate the lives of Earnest Baxter Stith and Mary Lucille Stith, our native son and native daughter, for the distinction they brought to this Commonwealth, the devotion they had for one another, and the love they had for their family.

Section 3. When the House of Representatives adjourns this day, it does so in loving memory and honor of Earnest Baxter Stith and Mary Lucille Stith.

Section 4. The Clerk of the House of Representatives is hereby directed to transmit a copy of this Resolution to Mr. Doug Padgett, P. O. Box 460, Maysville, Kentucky 41056.

There being no objection, **HR 252** was adopted.

Representative Denham moved the adoption of the following **HR 263**:

HR 263, A RESOLUTION encouraging the passage of federal legislation extending the Lewis and Clark National Historic Trail.

WHEREAS, in 1803, President Thomas Jefferson gained approval to form an expeditionary group to explore the Western territory of the United States; and

WHEREAS, the "Corps of Discovery," led by Meriwether Lewis and William Clark, embarked upon its epic adventure in April, 1805, which at its conclusion returned invaluable information relative to the peoples, wildlife, flora, and geography of the Western territory; and

WHEREAS, 2003 marked the bicentennial celebration of the embarkation of the Lewis and Clark Expedition; and

WHEREAS, Congress has seen fit to create the Lewis and Clark National Historic Trail; and

WHEREAS, H.R. 2327 introduced by United States Representative Goode and S. 2018 introduced by United States Senator Bunning, now pending in the 108th Congress of the United States, seek to extend the boundaries of the Lewis and Clark National Historic Trail; and

WHEREAS, the extension of the Lewis and Clark National Historic Trail would make the trail the largest in the national parks system; and

WHEREAS, an extended Lewis and Clark National Historic Trail would serve to continue the celebration of the Lewis and Clark bicentennial celebration; and

WHEREAS, the extension of the Lewis and Clark National Historic Trail would provide enhanced educational possibilities for all; and

WHEREAS, the extension of the Lewis and Clark National Historic Trail would generate an increase in tourism and tourism revenue in the states where the trail runs; and

WHEREAS, the proposed extension of the Lewis and Clark National Historic Trail would include specific sites in the Commonwealth of Kentucky;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. The House of Representatives does hereby acknowledge the historical importance of the Lewis and Clark National Historic Trail and encourages each and every member of the respective chambers of the Congress of the United States to cosponsor H.R. 2327 and S. 2018 of the 108th Congress of the United States to extend the length of the trail.

Section 2. The House of Representatives encourages the subsequent passage of H.R. 2327 and S. 2018 of the 108th Congress of the United States.

Section 3. The Clerk of the House of Representatives is directed to transmit a copy of this Resolution to Jeff Trandahl, Clerk of the House of Representatives, United States Capitol, Room H154, Washington, D.C. 20515-6601 and to Emily Reynolds, Secretary of the Senate, United States Senate, Washington, D.C. 20510, for distribution to the members of the United States House of Representatives and the United States Senate, respectively.

There being no objection, **HR 263** was adopted.

Representative Adkins moved that the rules be suspended for the introduction and posting of Bills and Resolutions and Report of Committees. Agreed.

Representative Kerr moved to withdraw House Floor Amendment No. 1 to **SB 143**. Agreed.

Representative Bather moved to withdraw House Floor Amendments No. 10 and 11 to **SB 245**. Agreed.

Representative Hoffman moved that the rules be suspended for the purpose of recording votes. Agreed.

Representative Hoffman moved that he be recorded as voting "yea" on **HB 225, 116, HJR 98, HJR 64, SB 206, 63, 171, 77, 115, 34,** and **SJR 80**. Agreed.

Representative Hoffman moved that the rules be suspended for the purpose of recording a vote. Agreed.

Representative Hoffman moved that he be recorded as voting "nay" on House Floor Amendment No. 1 to **SB 34**. Agreed.

Representative Graham moved that the rules be suspended for the purpose of recording votes. Agreed.

Representative Graham moved that he be recorded as voting "yea" on **HB 321** and **199**. Agreed.

Representative Stacy moved that the rules be suspended for the purpose of recording a vote. Agreed.

Representative Stacy moved that he be recorded as voting "yea" on **SB 199**. Agreed. (SB 199 remained in a Senate Committee and was never recieved in the House)

Representative Palumbo moved that the rules be suspended for the purpose of recording a vote. Agreed.

Representative Palumbo moved that she be recorded as voting "yea" on Senate Committee Substitute No. 1 to **HB 577**. Agreed.

Representative Montell moved that the rules be suspended for the purpose of recording a vote. Agreed.

Representative Montell moved that his vote be changed from "nay" to "yea" on **HB 193**. Agreed.

Representative Palumbo moved that the rules be suspended for the purpose of recording a vote. Agreed.

Representative Palumbo moved that her vote be changed from "yea" to "nay" on **SJR 3**. Agreed.

Floor Amendments

House Floor Amendment No. 5 to the House Committee Substitute to **SB 245**, by Representative Nelson:

SB 245, By deleting everything after the enacting clause and inserting in lieu thereof the following:

"SECTION 1. IT IS PROPOSED THAT A NEW SECTION BE ADDED TO THE CONSTITUTION OF KENTUCKY TO BE NUMBERED 233A AND TO READ AS FOLLOWS:

Only a marriage between one man and one woman shall be valid or recognized as a marriage in Kentucky. A legal status identical or substantially similar to that of marriage for unmarried individuals shall not be valid or recognized.

Section 2. This amendment shall be submitted to the voters of the Commonwealth for their ratification or rejection at the time and in the manner provided for under Sections 256 and 257 of the Constitution and under KRS 118.415. The question to be presented to the voters shall read as follows: "Are you in favor of amending the Kentucky Constitution to provide that only a marriage between one man and one woman shall be a marriage in Kentucky, and that a legal status identical to or similar to marriage for unmarried individuals shall not be valid or recognized?" ".

House Floor Amendment No. 2 Title to the House Committee Substitute to **SB 245**, by Representative S. Lee:

SB 245, By amending the title to read as follows: "AN ACT proposing an amendment of the Constitution of Kentucky by creating a Section 233A relating to marriage.".

House Floor Amendment No. 1 to the House Committee Substitute to **SB 245**, by Representative S. Lee:

SB 245, By deleting everything after the enacting clause and inserting in lieu thereof the following:

"SECTION 1. IT IS PROPOSED THAT A NEW SECTION BE ADDED TO THE CONSTITUTION OF KENTUCKY TO BE NUMBERED 233A AND TO READ AS FOLLOWS:

Only a marriage between one man and one woman shall be valid or recognized as a marriage in Kentucky. A legal status identical or substantially similar to that of marriage for unmarried individuals shall not be valid or recognized.

Section 2. This amendment shall be submitted to the voters of the Commonwealth for their ratification or rejection at the time and in the manner provided for under Sections 256 and 257 of the Constitution and under KRS 118.415. The question to be presented to the voters shall read as follows: "Are you in favor of amending the Kentucky Constitution to provide that only a marriage between one man and one woman shall be a marriage in Kentucky, and that a legal status identical to or similar to marriage for unmarried individuals shall not be valid or recognized?" ".

House Floor Amendment No. 1 to the House Committee Substitute to **SB 60**, by Representative Callahan:

SB 60, On Page 13, after line 2 by inserting the following:

"Section 9. KRS 65.8825 is amended to read as follows:

(1) Enforcement proceedings before a code enforcement board shall be initiated by the issuance of a citation by a code enforcement officer.

(2) When a code enforcement officer, based upon personal observation or investigation, has reasonable cause to believe that a person has committed a violation of a local government ordinance, the officer is authorized to issue ***and serve*** a citation to the ***alleged violator by:***

(a) Issuing and serving a copy of the citation directly to the alleged violator; or

(b) If the alleged violator is not on the premises at the time the citation is issued, leaving a copy of the citation with any member of the alleged violator's family aged eighteen (18) or older who is on the premises after informing the eligible family member of the contents of the citation; or

(c) If the alleged violator or an eligible family member is not on the premises at the time the citation is issued, posting a copy of the citation in a conspicuous place on the premises and mailing a copy of the citation to the alleged violator's mailing address by postage prepaid regular delivery service of the United States Postal Service; or

(d) If the alleged violator resides at a location different from where the violation occurred, mailing a copy of the citation to the alleged violator's last known mailing address by postage prepaid regular delivery service of the United States Postal Service[~~offender~~].

When authorized by ordinance, a code enforcement officer may, in lieu of immediately issuing a citation, give notice that a violation shall be remedied within a specified period of time. If the person to whom the notice is given fails or refuses to remedy the violation within the time specified, the code enforcement officer is authorized to issue a citation.

(3) The citation issued by the code enforcement officer shall be in a form prescribed by the local government and shall contain, in addition to any other information required by ordinance or rule of the board:

(a) The date and time of issuance;
(b) The name and address of the person to whom the citation is issued;
(c) The date and time the offense was committed;
(d) The facts constituting the offense;
(e) The section of the code or the number of the ordinance violated;
(f) The name of the code enforcement officer;
(g) The civil fine that will be imposed for the violation if the person does not contest the citation;
(h) The maximum civil fine that may be imposed if the person elects to contest the citation;
(i) The procedure for the person to follow in order to pay the civil fine or to contest the citation; and
(j) A statement that if the person fails to pay the civil fine set forth in the citation or contest the citation, within the time allowed, the person shall be deemed to have waived the right to a hearing before the code enforcement board to contest the citation and that the determination that a violation was committed shall be final.

(4) After issuing a citation to an alleged violator, the code enforcement officer shall notify the code enforcement board by delivering the citation to the administrative official designated by ordinance or by the board.

(5) When a citation is issued, the person to whom the citation is issued shall respond to the citation within seven (7) days of the date the citation is *served if the citation is directly served to that person, or within fourteen (14) days of the postmarked date if the citation was issued and served by mail as authorized by subsection (2) of this section,*~~[issued]~~ by either paying the civil fine set forth in the citation or requesting, in writing, a hearing before the code enforcement board to contest the citation. If the person fails to respond to the citation within *the allocated time period*~~[seven (7) days]~~, the person shall be deemed to have waived the right to a hearing to contest the citation and the determination that a violation was committed shall be considered final. In this event, the board shall enter a final order determining that the violation was committed and imposing the civil fine set forth in the citation."

and renumbering the subsequent section accordingly.

House Floor Amendment No. 5 to **SB 55**, by Representative Webb:

SB 55, On page 10, between lines 16 and 17, by inserting the following:

"SECTION 5. A NEW SECTION OF KRS CHAPTER 411 IS CREATED TO READ AS FOLLOWS:

(1) An employer who provides information about the job performance, professional conduct, or evaluation of a former or current employee to a prospective employer of that employee, at the request of that employee or prospective employer, shall be immune from civil liability arising out of the disclosure unless the plaintiff in the civil action proves:

(a) That the employer disclosed the information knowing that it was false, with reckless disregard of whether it was true or false, or with intent to mislead the prospective employer;

(b) That the information provided was given, compiled, or provided in a negligent manner; or

(c) That the disclosure of the information by the employer constitutes an unlawful discriminatory practice under KRS Chapter 344.

(2) This section does not create a new cause of action or substantive legal right against an employer.

(3) This section does not limit an employer's immunity from civil liability or defenses established in another section of the Kentucky Revised Statutes or available at common law.

(4) This section shall prevail over any conflicting section of KRS Chapter 411."; and

By renumbering the subsequent section accordingly; and

On page 10, line 18, by deleting "this Act takes" and inserting "Sections 1 to 4 of this Act take".

House Floor Amendment No. 6 Title to **SB 55**, by Representative Webb:

SB 55, By amending the title to read as follows: "AN ACT relating to security matters and declaring an emergency.".

House Floor Amendment No. 2 to the House Committee Substitute to **SB 60**, by Representative Yonts:

SB 60, On page 13, between lines 2 and 3, by inserting the following:

"SECTION 9. A NEW SECTION OF KRS CHAPTER 61 IS CREATED TO READ AS FOLLOWS:

(1) A public agency shall not hire, appoint, or contract with a person retired from the same agency within the preceding twelve (12) months to fill a full-time position, unless the position is filled by competitive process and no other more qualified person applies for the position.

(2) The provisions of this section shall not apply to local school districts or public postsecondary institutions.

Section 10. KRS 61.637 is amended to read as follows:

(1) A retired member who is receiving monthly retirement payments under any of the provisions of KRS 61.515 to 61.705 and 78.520 to 78.852 and who is reemployed as an employee by a participating agency prior to August 1, 1998, shall have his retirement payments suspended for the duration of reemployment. Monthly payments shall not be suspended for a retired member who is reemployed if he anticipates that he will receive less than the maximum permissible earnings as provided by the Federal Social Security Act in compensation as a result of reemployment during the calendar year. The payments shall be suspended at the beginning of the month in which the reemployment occurs.

(2) Employer and employee contributions shall be made as provided in KRS 61.515 to 61.705 and 78.520 to 78.852 on the compensation paid during reemployment, except where monthly payments were not suspended as provided in subsection (1) of this section or would not increase the retired member's last monthly retirement allowance by at least one dollar ($1), and the member shall be credited with additional service credit.

(3) In the month following the termination of reemployment, retirement allowance payments shall be reinstated under the plan

under which the member was receiving payments prior to reemployment.

(4) (a) Notwithstanding the provisions of this section, the payments suspended in accordance with subsection (1) of this section shall be paid retroactively to the retired member, or his estate, if he does not receive more than the maximum permissible earnings as provided by the Federal Social Security Act in compensation from participating agencies during any calendar year of reemployment;

(b) If the retired member is paid suspended payments retroactively in accordance with this section, employee contributions deducted during his period of reemployment, if any, shall be refunded to the retired employee, and no service credit shall be earned for the period of reemployment;

(c) If the retired member is not eligible to be paid suspended payments for his period of reemployment as an employee, his retirement allowance shall be recomputed under the plan under which the member was receiving payments prior to reemployment as follows:

1. The retired member's final compensation shall be recomputed using creditable compensation for his period of reemployment; however, the final compensation resulting from the recalculation shall not be less than that of the member when his retirement allowance was last determined;

2. If the retired member initially retired on or subsequent to his normal retirement date, his retirement allowance shall be recomputed by using the formula in KRS 61.595(1);

3. If the retired member initially retired prior to his normal retirement date, his retirement allowance shall be recomputed using the formula in KRS 61.595(2), except that the member's age used in computing benefits shall be his age at the time of his initial retirement increased by the number of months of service credit earned for service performed during reemployment;

4. The retirement allowance payments resulting from the recomputation under this subsection shall be payable in the month following the termination of reemployment in lieu of payments under subparagraph 3. The member shall not receive less in benefits as a result of the recomputation than he was receiving prior to reemployment or would receive as determined under KRS 61.691;

5. Any retired member who was reemployed prior to March 26, 1974, shall begin making contributions to the system in accordance with the provisions of this section on the first day of the month following March 26, 1974.

(5) A retired member, or his estate, shall pay to the retirement fund the total amount of payments which are not suspended in accordance with subsection (1) of this section if the member received more than the maximum permissible earnings as provided by the Federal Social Security Act in compensation from participating agencies during any calendar year of reemployment, except the retired member or his estate may repay the lesser of the total amount of payments which were not suspended or fifty cents ($0.50) of each dollar earned over the maximum permissible earnings during reemployment if under age sixty-five (65), or one dollar ($1) for every three dollars ($3) earned if over age sixty-five (65).

(6) (a) "Reemployment" or "reinstatement" as used in this section shall not include a retired member who has been ordered reinstated by the Personnel Board under authority of KRS 18A.095; and

(b) A retired member who has been ordered reinstated by the Personnel Board under authority of KRS 18A.095 or by court order or by order of the Human Rights Commission and accepts employment by an agency participating in the Kentucky Employees Retirement System or County Employees Retirement System shall void his retirement by reimbursing the system in the full amount of his retirement allowance payments received.

(7) (a) Effective August 1, 1998, the provisions of subsections (1) to (4) of this section shall no longer apply to a retired member who is reemployed in a position covered by the same retirement system from which the member retired. Reemployed retired members shall be treated as new members upon reemployment. Any retired member whose reemployment date preceded August 1, 1998, who does not elect, within sixty (60) days of notification by the retirement systems, to remain under the provisions of subsections (1) to (4) of this section shall be deemed to have elected to participate under this subsection.

(b) A retired member whose disability retirement was discontinued pursuant to KRS 61.615 and who is reemployed in one (1) of the systems administered by the Kentucky Retirement Systems prior to his or her normal retirement date shall have his or her accounts combined upon termination for determining eligibility for benefits. If the member is eligible for retirement, the member's service and creditable compensation earned as a result of his or her reemployment shall be used in the calculation of benefits, except that the member's final compensation shall not be less than the final compensation last used in determining his or her retirement allowance. The member shall not change beneficiary or payment option designations. This provision shall apply to members reemployed on or after August 1, 1998.

(8) A retired member or his employer shall notify the retirement system if he has accepted employment with an agency that participates in the retirement system from which the member retired. ***A retired member who is employed in an elected position required to participate in the same retirement system from which he or she is receiving a retirement allowance shall notify the system of his or her employment by the date he or she takes office.***

(9) If the retired member is under a contract, the member shall submit a copy of that contract to the retirement system, and the

retirement system shall determine if the member is an independent contractor for purposes of retirement benefits.

(10) If a member is receiving a retirement allowance, or has filed the forms required for a retirement allowance, and is employed within one (1) month of the member's initial retirement date in a position that is required to participate in the same retirement system from which the member retired, the member's retirement shall be voided and the member shall repay to the retirement system all benefits received. The member shall contribute to the member account established for him prior to his voided retirement. The retirement allowance for which the member shall be eligible upon retirement shall be determined by total service and creditable compensation.

(11) (a) If a member of the Kentucky Employees Retirement System retires from a department which participates in more than one (1) retirement system and is reemployed within one (1) month of his initial retirement date by the same department in a position participating in another retirement system, the retired member's retirement allowance shall be suspended for the first month of his retirement and the member shall repay to the retirement system all benefits received for the month.

(b) A retired member of the County Employees Retirement System who after initial retirement is hired by the county from which the member retired shall be considered to have been hired by the same employer.

(c) If an elected official resigns, begins receiving a retirement allowance, and is employed in an elected position required to participate in the same retirement system from which he or she is retired, within twelve (12) months of his or her resignation, the member's retirement shall be suspended. The member shall contribute to the member account established for him or her prior to retirement. The retirement allowance for which the member shall be eligible upon retirement shall be determined pursuant to subsection (4)(c) of this section. The provisions of this paragraph shall apply to elected officials who retire after the effective date of this Act.

(12) (a) If a hazardous member who retired prior to age fifty-five (55), or a nonhazardous member who retired prior to age sixty-five (65), is reemployed within six (6) months of the member's termination by the same employer, the member shall obtain from his previous and current employers a copy of the job description established by the employers for the position and a statement of the duties performed by the member for the position from which he retired and for the position in which he has been reemployed.

(b) ~~The job descriptions and statements of duties shall be filed with the retirement office.~~

(13) If the retirement system determines that the retired member has been employed in a position with the same principal duties as the position from which the member retired:

(a) The member's retirement allowance shall be suspended during the period that begins on the month in which the member is reemployed and ends six (6) months after the member's termination.

(b) The retired member shall repay to the retirement system all benefits paid from systems administered by Kentucky Retirement Systems under reciprocity, including medical insurance benefits, that the member received after reemployment began.

(c) Upon termination, or subsequent to expiration of the six (6) month period from the date of termination, the retired member's retirement allowance based on his initial retirement account shall no longer be suspended and the member shall receive the amount to which he is entitled, including an increase as provided by KRS 61.691.

(d) Except as provided in subsection (7) of this section, if the position in which a retired member is employed after initial retirement is a regular full-time position, the retired member shall contribute to a second member account established for him in the retirement system. Service credit gained after the member's date of reemployment shall be credited to the second member account.

(e) Upon termination, the retired member shall be entitled to benefits payable from his second retirement account.

(14) (a) If the retirement system determines that the retired member has not been reemployed in a position with the same principal duties as the position from which he retired, the retired member shall continue to receive his retirement allowance.

(b) If the position is a regular full-time position, the member shall contribute to a second member account in the retirement system.

(15) (a) If a retired member is reemployed at least one (1) month after initial retirement in a different position, or at least six (6) months after initial retirement in the same position, and prior to normal retirement age, the retired member shall contribute to a second member account in the retirement system and continue to receive a retirement allowance from the first member account.

(b) Service credit gained after reemployment shall be credited to the second member account. Upon termination, the retired member shall be entitled to benefits payable from the second member account.

(16) A retired member who is reemployed and contributing to a second member account shall not be eligible to purchase service credit under any of the provisions of KRS 16.510 to 16.652, KRS 61.515 to 61.705, or KRS 78.520 to 78.852 which he was eligible to purchase prior to his initial retirement.

Section 11. KRS 64.5275 is amended to read as follows:

(1) The General Assembly of the Commonwealth of Kentucky hereby finds and determines that county judges/executive,

county clerks, jailers who operate a full service jail, and sheriffs in all counties are officers whose duties or jurisdictions are coextensive with that of the Commonwealth within the meaning of Section 246 of the Constitution of Kentucky.

(2) Effective on the first Monday in January of 1999, the maximum salary of county judges/executive, county clerks, jailers who operate a full service jail, and sheriffs shall be fixed by the Department for Local Government according to a salary schedule in accordance with Section 246 of the Kentucky Constitution. The salary schedule provides that these officials, as officers whose jurisdiction or duties are coextensive with the Commonwealth, shall be paid at a rate no greater than twelve thousand dollars ($12,000) per annum as adjusted for any increase or decrease in the consumer price index and as described in subsection (4) of this section.

(3) The salary schedule for county judges/executive, county clerks, jailers who operate a full service jail, and sheriffs in all counties provides for nine (9) levels of salary based upon the population of the county in the year prior to the election of county officials as determined by the United States Department of Commerce, Bureau of the Census's annual estimates. To implement the salary schedule, the Department for Local Government shall, by November 1 of each year preceding the election of county officials, certify for each county the population group applicable to each county based on the most recent estimates of the United States Department of Commerce, Bureau of the Census. For the purposes of this section, the salary schedule for county judges/executive, county clerks, jailers who operate a full service jail, and sheriffs shall remain as determined by the Department for Local Government pursuant to this section, regardless of changes in the population estimates or the actual census count that may occur during the term for which the official has been elected or appointed. The salary schedule provides four (4) steps for yearly increments within each population group. County officers named in this section shall be paid according to the first step within their population group for the first year or portion thereof they serve in office. Thereafter, each officer, on January 1 of each subsequent year, shall be advanced automatically to the next step in the salary schedule until the maximum salary figure for the population group is reached. Prior to assuming office on the first Monday in January, 1999, or thereafter, any person assuming any of the offices for which the salary is determined by this section must certify to the commissioner of the Department for Local Government the total number of years, not to exceed four (4) years, that the person has previously served in the office. The department shall place the officer in the proper step based upon a formula of one (1) incremental step per full calendar year of service:

SALARY SCHEDULE

County Population by Group	Steps and Salary for Affected Officers			
Group I	Step 1	Step 2	Step 3	Step 4
0-4,999	$ 6,600	$ 6,800	$ 7,000	$ 7,200
Group II				
5,000-9,999	7,200	7,400	7,600	7,800
Group III				
10,000-19,999	7,800	8,000	8,200	8,400
Group IV				
20,000-29,999	8,100	8,400	8,700	9,000
Group V				
30,000-44,999	8,700	9,000	9,300	9,600
Group VI				
45,000-59,999	9,000	9,400	9,800	10,200
Group VII				
60,000-89,999	9,600	10,000	10,400	10,800
Group VIII				
90,000-499,999	9,900	10,400	10,900	11,400
Group IX				
500,000 and up	10,500	11,000	11,500	12,000

(4) Upon publication of the annual consumer price index by the United States Department of Commerce, the Department for Local Government shall fix the salary of the county judge/executive, county clerk, jailer who operates a full service jail, and sheriff at an annual rate of salary to which the county official is entitled pursuant to the increase in the Consumer Price Index and the salary schedule contained in this section. This salary determination shall be retroactive to the preceding January 1.

(5) Notwithstanding ***subsection (9) or*** any ***other*** provision contained in this section, no county official holding office on July 15, 1998, shall receive any reduction in salary or reduction in adjustment to salary otherwise allowable by the statutes in force on July 15, 1998.

(6) In addition to the step increases based on service in office, each officer shall be paid an annual incentive of one hundred dollars ($100) per calendar year for each forty (40) hour training unit successfully completed, based on continuing service

in that office and, except as provided in this subsection, completion of at least forty (40) hours of approved training in each subsequent calendar year. If an officer fails, without good cause as determined by the commissioner of the Department for Local Government, to obtain the minimum amount of approved training in any year, the officer shall lose all training incentives previously accumulated. Each training unit shall be approved and certified by the Department for Local Government. No officer shall receive more than one (1) training unit per calendar year nor more than four (4) incentive payments per calendar year. Each officer shall be allowed to carry forward up to forty (40) hours of training credit into the following calendar year for the purpose of satisfying the minimum amount of training for that year. Each annual incentive payment shall be adjusted by the Department for Local Government on an annual basis for any increase or decrease in the consumer price index in the same manner as salaries are adjusted as described in subsection (4) of this section. The Department for Local Government shall promulgate administrative regulations in accordance with KRS Chapter 13A to establish guidelines for the approval and certification of training units.

(7) Except in counties that contain an urban-county form of government, justices of the peace who serve on fiscal courts, county commissioners, and jailers who operate life safety jails, jailers who are part of a transportation plan, or jailers who act as court bailiffs shall also be eligible for the training incentive payments in accordance with subsection (6) of this section.

(8) The provisions of this section shall not apply to a county judge/executive in a county which has established a consolidated local government pursuant to KRS Chapter 67C.

(9) If an elected official identified in subsection (1) of this section resigns, begins receiving a retirement allowance, and is reemployed within twelve (12) months of his or her initial retirement date to the same county office, that county official:

(a) Shall be paid in accordance with Step 1 of the salary schedule set out in subsection (3) of this section, regardless of accumulated years of experience prior to his or her retirement; and

(b) Shall not be advanced beyond Step 1 of the salary schedule for the remainder of his or her term in office.

Section 12. KRS 61.510 is amended to read as follows:

As used in KRS 61.515 to 61.705, unless the context otherwise requires:

(1) "System" means the Kentucky Employees Retirement System created by KRS 61.515 to 61.705;

(2) "Board" means the board of trustees of the system as provided in KRS 61.645;

(3) "Department" means any state department or board or agency participating in the system in accordance with appropriate executive order, as provided in KRS 61.520. For purposes of KRS 61.515 to 61.705, the members, officers, and employees of the General Assembly and any other body, entity, or instrumentality designated by executive order by the Governor, shall be deemed to be a department, notwithstanding whether said body, entity, or instrumentality is an integral part of state government;

(4) "Examiner" means the medical examiners as provided in KRS 61.665;

(5) "Employee" means the members, officers, and employees of the General Assembly and every regular full-time, appointed or elective officer or employee***, including District Court trial commissioners,*** of a participating department, including the Department of Military Affairs. The term does not include persons engaged as independent contractors, seasonal, emergency, temporary, and part-time workers. In case of any doubt, the board shall determine if a person is an employee within the meaning of KRS 61.515 to 61.705;

(6) "Employer" means a department or any authority of a department having the power to appoint or select an employee in the department, including the Senate and the House of Representatives, or any other entity, the employees of which are eligible for membership in the system pursuant to KRS 61.525;

(7) "State" means the Commonwealth of Kentucky;

(8) "Member" means any employee who is included in the membership of the system or any former employee whose membership has not been terminated under KRS 61.535;

(9) "Service" means the total of current service and prior service as defined in this section;

(10) "Current service" means the number of years and months of employment as an employee, on and after July 1, 1956, except that for members, officers, and employees of the General Assembly this date shall be January 1, 1960, for which creditable compensation is paid and employee contributions deducted, except as otherwise provided, and each member, officer, and employee of the General Assembly shall be credited with a month of current service for each month he serves in the position;

(11) "Prior service" means the number of years and completed months, expressed as a fraction of a year, of employment as an employee, prior to July 1, 1956, for which creditable compensation was paid; except that for members, officers, and employees of the General Assembly, this date shall be January 1, 1960. An employee shall be credited with one (1) month of prior service only in those months he received compensation for at least one hundred (100) hours of work; provided, however, that each member, officer, and employee of the General Assembly shall be credited with a month of prior service for each month he served in the position prior to January 1, 1960. Twelve (12) months of current service in the system are required to validate prior service;

(12) "Accumulated contributions" at any time means the sum of all amounts deducted from the compensation of a member and credited to his individual account in the members' contribution account, including employee contributions picked up after August 1, 1982, pursuant to KRS 61.560(4), together with interest credited on such amounts and any other amounts the member shall have contributed thereto, including interest credited thereon;

(13) "Creditable compensation" means all salary, wages, tips to the extent the tips are reported for income tax purposes, and fees, including payments for compensatory time, paid to the employee as a result of services performed for the employer or for time during which the member is on paid leave, which are includable on the member's federal form W-2 wage and tax statement under the heading "wages, tips, other compensation," including employee contributions picked up after August 1, 1982, pursuant to KRS 61.560(4), except that for members of the General Assembly, it shall mean an assumed salary of twenty-seven thousand five hundred dollars ($27,500) per annum which shall include per diem and expense payments authorized by KRS Chapter 6. The creditable compensation of members, officers, and employees of the General Assembly shall be calculated as having been received in equal amounts for each month of the year. A lump-sum bonus, severance pay, or employer-provided payment for purchase of service credit shall be included as creditable compensation but shall be averaged over the employee's service with the employer. In cases where compensation includes maintenance and other perquisites, the board shall fix the value of that part of the compensation not paid in money. Living allowances, expense reimbursements, lump-sum payments for accrued vacation leave, and other items determined by the board shall be excluded. Creditable compensation shall also include amounts which are not includable in the member's gross income by virtue of the member having taken a voluntary salary reduction provided for under applicable provisions of the Internal Revenue Code. Creditable compensation shall also include elective amounts for qualified transportation fringes paid or made available on or after January 1, 2001, for calendar years on or after January 1, 2001, that are not includable in the gross income of the employee by reason of 26 U.S.C. sec. 132(f)(4);

(14) "Final compensation" of a member means:

(a) For a member who is not employed in a hazardous position, as provided in KRS 61.592, the creditable compensation of the member during the five (5) fiscal years he was paid at the highest average monthly rate divided by the number of months of service credit during that five (5) year period multiplied by twelve (12), except that for members of the General Assembly who retire pursuant to KRS 61.600, or who die in office, "final compensation" shall be twenty-seven thousand five hundred dollars ($27,500). The five (5) years may be fractional and need not be consecutive. If the number of months of service credit during the five (5) year period is less than forty-eight (48), one (1) or more additional fiscal years shall be used; or

(b) For a member who is not employed in a hazardous position, as provided in KRS 61.592, whose effective retirement date is between August 1, 2001, and January 1, 2009, and whose total service credit is at least twenty-seven (27) years and whose age and years of service total at least seventy-five (75), final compensation means the creditable compensation of the member during the three (3) fiscal years the member was paid at the highest average monthly rate divided by the number of months of service credit during that three (3) years period multiplied by twelve (12). The three (3) years may be fractional and need not be consecutive. If the number of months of service credit during the three (3) year period is less than twenty-four (24), one (1) or more additional fiscal years shall be used. Notwithstanding the provision of KRS 61.565, the funding for this paragraph shall be provided from existing funds of the retirement allowance; or

(c) For a member who is employed in a hazardous position, as provided in KRS 61.592, the creditable compensation of the member during the three (3) fiscal years he was paid at the highest average monthly rate divided by the number of months of service credit during that three (3) year period multiplied by twelve (12). The three (3) years may be fractional and need not be consecutive. If the number of months of service credit during the three (3) year period is less than twenty-four (24), one (1) or more additional fiscal years shall be used;

(15) "Final rate of pay" means the actual rate upon which earnings of an employee were calculated during the twelve (12) month period immediately preceding the member's effective retirement date, including employee contributions picked up after August 1, 1982, pursuant to KRS 61.560(4). In the case of members of the General Assembly, the "final rate of pay" shall be the creditable compensation. The rate shall be certified to the system by the employer and the following equivalents shall be used to convert the rate to an annual rate: two thousand eighty (2,080) hours for eight (8) hour workdays, nineteen hundred fifty (1,950) hours for seven and one-half (7-1/2) hour workdays, two hundred sixty (260) days, fifty-two (52) weeks, twelve (12) months, one (1) year;

(16) "Retirement allowance" means the retirement payments to which a member is entitled;

(17) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of the actuarial tables that are from time to time adopted by the board, except in cases of disability retirement, the options authorized by KRS 61.635 shall be computed by adding ten (10) years to the age of the member. No disability retirement option shall be less than the same option computed under early retirement;

(18) "Normal retirement date" means the sixty-fifth birthday of a member, unless otherwise provided in KRS 61.515 to 61.705;

(19) "Fiscal year" of the system means the twelve (12) months from July 1 through the following June 30, which shall also be the plan year;

(20) "Officers and employees of the General Assembly" means the occupants of those positions enumerated in KRS 6.150 and

the assistants if employed by the General Assembly for at least six (6) regular legislative sessions;

(21) "Regular full-time positions," as used in subsection (5) of this section, shall mean all positions that average one hundred (100) or more hours per month***, or eighty (80) or more hours per month in the case of District Court trial commissioners,*** determined by using the number of months actually worked within a calendar or fiscal year, including all positions except:

- (a) Seasonal positions, which although temporary in duration, are positions which coincide in duration with a particular season or seasons of the year and which may recur regularly from year to year, the period of time shall not exceed nine (9) months;
- (b) Emergency positions which are positions which do not exceed thirty (30) working days and are nonrenewable;
- (c) Temporary positions which are positions of employment with a participating department for a period of time not to exceed nine (9) months;
- (d) Part-time positions which are positions which may be permanent in duration, but which require less than a calendar or fiscal year average of one hundred (100) hours of work per month, ***or eighty (80) or more hours per month in the case of District Court trial commissioners,*** determined by using the number of months actually worked within a calendar or fiscal year, in the performance of duty; and
- (e) Interim positions which are positions established for a one-time or recurring need not to exceed nine (9) months;

(22) "Delayed contribution payment" means an amount paid by an employee for purchase of current service. The amount shall be determined using the same formula in KRS 61.5525, and the payment shall not be picked up by the employer. A delayed contribution payment shall be deposited to the member's contribution account and considered as accumulated contributions of the individual member. In determining payments under this subsection, the formula found in this subsection shall prevail over the one found in KRS 212.434;

(23) "Parted employer" means a department, portion of a department, board, or agency, such as Outwood Hospital and School, which previously participated in the system, but due to lease or other contractual arrangement is now operated by a publicly held corporation or other similar organization, and therefore is no longer participating in the system;

(24) "Retired member" means any former member receiving a retirement allowance or any former member who has filed the necessary documents for retirement benefits and is no longer contributing to the retirement system;

(25) "Current rate of pay" means the member's actual hourly, daily, weekly, biweekly, monthly, or yearly rate of pay converted to an annual rate as defined in final rate of pay. The rate shall be certified by the employer;

(26) "Beneficiary" means the person or persons or estate or trust or trustee designated by the member in accordance with KRS 61.542 or 61.705 to receive any available benefits in the event of the member's death. As used in KRS 61.702, "beneficiary" does not mean an estate, trust, or trustee;

(27) "Recipient" means the retired member or the person or persons designated as beneficiary by the member and drawing a retirement allowance as a result of the member's death or a dependent child drawing a retirement allowance. An alternate payee of a qualified domestic relations order shall be considered a recipient only for purposes of KRS 61.691;

(28) "Level-percentage-of-payroll amortization method" means a method of determining the annual amortization payment on the unfunded past service liability as expressed as a percentage of payroll over a set period of years. Under this method, the percentage of payroll shall be projected to remain constant for all years remaining in the set period and the unfunded past service liability shall be projected to be fully amortized at the conclusion of the set period;

(29) "Increment" means twelve (12) months of service credit which are purchased. The twelve (12) months need not be consecutive. The final increment may be less than twelve (12) months;

(30) "Person" means a natural person;

(31) "Retirement office" means the Kentucky Retirement Systems office building in Frankfort;

(32) "Last day of paid employment" means the last date employer and employee contributions are required to be reported in accordance with KRS 16.543, 61.543, or 78.615 to the retirement office in order for the employee to receive current service credit for the month. Last day of paid employment does not mean a date the employee receives payment for accrued leave, whether by lump sum or otherwise, if that date occurs twenty-four (24) or more months after previous contributions;

(33) "Objective medical evidence" means reports of examinations or treatments; medical signs which are anatomical, physiological, or psychological abnormalities that can be observed; psychiatric signs which are medically demonstrable phenomena indicating specific abnormalities of behavior, affect, thought, memory, orientation, or contact with reality; or laboratory findings which are anatomical, physiological, or psychological phenomena that can be shown by medically acceptable laboratory diagnostic techniques, including but not limited to chemical tests, electrocardiograms, electroencephalograms, X-rays, and psychological tests;

(34) "Participating" means an employee is currently earning service credit in the system as provided in KRS 61.543; and

(35) "Month" means a calendar month.

Section 13. KRS 61.552 is amended to read as follows:

(1) Any employee participating in one (1) of the state-administered retirement systems who has been refunded his accumulated

contributions under the provisions of KRS 16.645(22), 61.625, or 78.545(15), thereby losing service credit, may regain the credit by paying to the system from which he received the refund or refunds the amount or amounts refunded with interest at a rate determined by the board of the respective retirement system. The payment, including interest as determined by the board, shall be deposited to the member's contribution account and considered as accumulated contributions of the individual member. The payments shall not be picked up, as described in KRS 61.560(4), by the employer.

(2) Any employee participating in one (1) of the retirement systems administered by Kentucky Retirement Systems who did not elect membership in the County Employees Retirement System, as provided in KRS 78.540(2), may obtain credit in the County Employees Retirement System for prior service and for current service by paying to the County Employees Retirement System a delayed contribution payment for the service he would have received had he elected membership. The delayed contribution payment shall not be picked up, as described in KRS 61.560(4), by the employer. Payment may be by lump sum or the employee may pay by increments.

(3) Any employee participating in one (1) of the retirement systems administered by Kentucky Retirement Systems who did not elect membership in the Kentucky Employees Retirement System, as provided in KRS 61.525(2), may obtain credit in the Kentucky Employees Retirement System for prior service and for current service by paying to the system a delayed contribution payment for the service he would have received had he elected membership. The delayed contribution payment shall not be picked up, as described in KRS 61.560(4), by the employer. Payment may be by lump sum or the employee may pay by increments.

(4) An employee participating in one (1) of the retirement systems administered by Kentucky Retirement Systems may obtain credit in the Kentucky Employees Retirement System for current service between July 1, 1956, and the effective date of participation of his department by paying to the system a delayed contribution payment for the service he would have received had his department participated on July 1, 1956. The delayed contribution payment shall not be picked up, as described in KRS 61.560(4), by the employer. Payment may be by lump sum or the employee may pay by increments.

(5) (a) An employee participating in one (1) of the retirement systems administered by Kentucky Retirement Systems may obtain credit in the County Employees Retirement System for current service between July 1, 1958, and the effective date of participation of his county by paying to the County Employees Retirement System a delayed contribution payment for the service he would have received had his county participated on July 1, 1958. The delayed contribution payment shall not be picked up, as described in KRS 61.560(4), by the employer.

(b) An employee participating in one (1) of the retirement systems administered by Kentucky Retirement Systems, who has at least forty-eight (48) months of service if age sixty-five (65) or at least sixty (60) months of service if under age sixty-five (65) in the systems administered by Kentucky Retirement Systems may obtain credit for the period of his service with an area development district created pursuant to KRS 147A.050 or with a business development corporation created pursuant to KRS 155.001 to 155.230 if that service was not covered by a state-administered retirement system. The member shall pay to the retirement system in which he participates a delayed contribution payment, as determined by the board's actuary. The employee may obtain credit for employment with a business development corporation only if the Kentucky Retirement Systems receives a favorable private letter ruling from the United States Internal Revenue Service or a favorable opinion letter from the United States Department of Labor. Payment may be by lump sum or the employee may pay by increments.

(6) After August 1, 2000, service credit obtained under the subsections of this section which do not require the employee to have a minimum number of years of service credit to be eligible to make a purchase shall be disallowed and the recontribution of refund, including interest as determined by the board or other payment, if any, shall be paid to the member if the member does not obtain for service performed six (6) months' additional current service credit in one (1) of the state-administered retirement systems. The service requirement shall be waived if the member dies or becomes disabled as provided for by KRS 16.582 or 61.600.

(7) The members shall not receive benefit of service for the same period of time in another public defined benefit retirement fund.

(8) Any employee participating in one (1) of the retirement systems administered by Kentucky Retirement Systems who has at least forty-eight (48) months' service if age sixty-five (65) or at least sixty (60) months' service if under age sixty-five (65) in the retirement systems administered by the Kentucky Retirement Systems, who formerly worked for a state university in a position which would have qualified as a regular full-time position had the university been a participating department, and who did not participate in a defined benefit or defined contribution retirement program at the university may obtain credit in the employee's account in the County Employees Retirement System, the Kentucky Employees Retirement System, or the State Police Retirement System for prior and current service by paying either retirement system a delayed contribution payment for the service he would have received had his period of university employment been covered by the County Employees, Kentucky Employees Retirement System, or State Police Retirement System. The delayed contribution payment shall not be picked up, as described in KRS 61.560(4), by the employer. Payment may be by lump sum, or the employee may pay by increments.

(9) (a) Effective August 1, 1980, any county participating in the County Employees Retirement System may purchase current service, between July 1, 1958, and participation date of the county, for present employees of the county who have obtained coverage under KRS 78.540(2);

(b) Effective July 1, 1973, any department participating in the Kentucky Employees Retirement System may purchase current service between July 1, 1956, and participation date of the department, for present employees of the department who were employees on the participation date of the department and elected coverage under KRS 61.525(2);

(c) Cost of the service credit purchased under this subsection shall be determined by computing the discounted value of the additional service credit based on an actuarial formula recommended by the board's consulting actuary and approved by the board. A department shall make payment for the service credit within the same fiscal year in which the option is elected. The county shall establish a payment schedule subject to approval by the board for payment of the service credit. The maximum period allowed in a payment schedule shall be ten (10) years with interest at the rate actuarially assumed by the board; however, a shorter period is desirable and the board may approve any schedule provided it is not longer than a ten (10) year period;

(d) If a county or department elects the provisions of this subsection, any present employee who would be eligible to receive service credit under the provisions of this subsection and has purchased service credit under subsection (4) or (5) of this section shall have his payment for the service credit refunded with interest at the rate paid under KRS 61.575 or 78.640;

(e) Any payments made by a county or department under this subsection shall be deposited to the retirement allowance account of the proper retirement system and these funds shall not be considered accumulated contributions of the individual members.

(10) Interest paid by a member of the Kentucky Employees Retirement System, County Employees Retirement System, or State Police Retirement System under this section or other similar statutes under KRS 16.510 to 16.652, KRS 61.515 to 61.705, or KRS 78.520 to 78.852 prior to June 19, 1976, shall be credited to the individual member's contribution account in the appropriate retirement system and considered as accumulated contributions of the member.

(11) Employees who served as assistants to officers and employees of the General Assembly who have at least forty-eight (48) months of service if age sixty-five (65) or at least sixty (60) months of service if under age sixty-five (65) in the systems administered by Kentucky Retirement Systems and who were unable to acquire service under KRS 61.510(20) may purchase credit for the service performed after January 1, 1960. Service credit under this section shall be obtained by the payment of a delayed contribution which shall not be picked up by the employer as described in KRS 61.560(4).

(12) (a) Effective August 1, 1988, any employee participating in one (1) of the retirement systems administered by Kentucky Retirement Systems who has at least forty-eight (48) months of service if age sixty-five (65) or at least sixty (60) months of service if under age sixty-five (65) in the systems administered by Kentucky Retirement Systems may purchase service credit for interim, seasonal, emergency, or temporary employment or part-time employment averaging one hundred (100) or more hours of work per month on a calendar or fiscal year basis. If the average number of hours of work is less than one hundred (100) per month, the member shall be allowed credit only for those months he receives creditable compensation for one hundred hours of work. The cost will be determined as a delayed contribution payment for the period of time involved, which shall not be picked up by the employer as described in KRS 61.560(4).

(b) Any noncertified employee of a school board who has at least forty-eight (48) months of service if age sixty-five (65) or at least sixty (60) months of service if under age sixty-five (65) in the systems administered by Kentucky Retirement Systems may purchase service credit for part-time employment prior to the 1990-91 school year which averaged eighty (80) or more hours of work per month on a calendar or fiscal year basis by paying to the County Employees Retirement System a delayed contribution payment. The delayed contribution payment shall not be picked up, as described in KRS 78.610(4), by the employer. Payment may be by lump sum or the employee may pay by increments. If the average number of hours of work is less than eighty (80) per month, the noncertified employee of a school board shall be allowed credit only for those months he receives creditable compensation for eighty (80) hours of work. The cost will be determined as a delayed contribution payment, which shall not be picked up by the employer as described in KRS 78.610(4).

(c) Any District Court trial commissioner who has at least forty-eight (48) months of service if age sixty-five (65) or at least sixty (60) months of service if under age sixty-five (65) in the systems administered by Kentucky Retirement Systems may purchase service credit for part-time employment prior to the effective date of this Act which averaged eighty (80) or more hours of work per month on a calendar or fiscal year basis by paying to the Kentucky Employees Retirement System a delayed contribution payment, which shall not be picked up by the employer as described in KRS 61.560(4). If the average number of hours of work is less than eighty (80) per month, the District Court trial commissioner shall be allowed credit only for those months he or she received creditable compensation for eighty (80) hours of work.

(13) A retired member, who is contributing to one (1) of the state-administered retirement programs under the provisions of KRS 61.637(1) to (4) and purchases service credit under this section in the system or systems from which he is retired, shall have his retirement allowance recomputed:

(a) Upon termination from employment, if the member is contributing to the same system or systems from which he was retired; or

(b) Upon completion of six (6) months' service credit as required under subsection (6) of this section, if the member is contributing to a system other than the system or systems from which he is retired.

(14) Any employee participating in one (1) of the systems administered by Kentucky Retirement Systems who has at least forty-eight (48) months of service if age sixty-five (65) or at least sixty (60) months of service if under age sixty-five (65) in the systems administered by Kentucky Retirement Systems may obtain credit for prior or current service for any period of approved educational leave, or for agency-approved leave to work for a work-related labor organization if the agency subsequently participated in the County Employees Retirement System, by paying to the respective retirement system a delayed contribution payment. The employee may also obtain credit for agency-approved leave to work for a work-related labor organization if the agency subsequently participated in the County Employees Retirement System, but only if the Kentucky Retirement Systems receives a favorable private letter ruling from the United States Internal Revenue Service or a favorable opinion letter from the United States Department of Labor. The delayed contribution payment shall not be picked up, as described in KRS 61.560(4), by the employer, and shall be deposited to the individual member's account.

(15) Any employee participating in one (1) of the retirement systems administered by Kentucky Retirement Systems who has at least forty-eight (48) months of service if age sixty-five (65) or at least sixty (60) months of service if under age sixty-five (65) in the systems administered by Kentucky Retirement Systems may obtain credit for prior or current service for any period of approved maternity leave, unpaid leave authorized under the Federal Family and Medical Leave Act, or for any period of approved sick leave without pay, by paying to the respective retirement system a delayed contribution payment. The delayed contribution payment shall not be picked up, as described in KRS 61.560(4), by the employer, and shall be deposited to the individual member's account.

(16) Any employee participating in one (1) of the retirement systems administered by Kentucky Retirement Systems may purchase service credit under any of the provisions of KRS 16.510 to 16.652, 61.515 to 61.705, or 78.520 to 78.852 by making installment payments in lieu of a lump-sum payment.

(a) The cost of the service shall be computed in the same manner as for a lump-sum payment which shall be the principal; and interest, at the actuarial rate in effect at the time the member elects to make the purchase compounded annually, shall be added for the period that the installments are to be made. Multiple service purchases may be combined under a single installment purchase; however, no employee may make more than one (1) installment purchase at the same time. Once multiple service purchases have been combined in an installment purchase, the employee may not separate the purchases or pay a portion of one (1) of the purchases. The employee may elect to stop the installment payments by notifying the retirement system; may have the installment purchase recalculated to add one (1) or more additional service purchases; or may pay by lump sum the remaining principal.

(b) One (1) year of installment payments shall be made for each one thousand dollars ($1,000) or any part thereof of the total cost, except that the total period allowed for installments shall not be less than one (1) year and shall not exceed five (5) years.

(c) The employee shall pay the installments by payroll deduction. Upon notification by the retirement system, the employer shall report the installment payments either monthly or semimonthly continuously over each twelve (12) month period at the same time as, but separate from, regular employee contributions on the forms or by the computer format specified by the board. The payments made under this subsection shall be considered accumulated contributions of the member and shall not be picked up by the employer pursuant to KRS 61.560(4) and no employer contributions shall be paid on the installments.

(d) The retirement system shall determine how much of the total cost represents payment for one (1) month of the service to be purchased and shall credit one (1) month of service to the member's account each time this amount has been paid. The first service credited shall represent the first calendar month of the service to be purchased and each succeeding month of service credit shall represent the succeeding months of that service.

(e) If the employee elects to stop the installment payments, dies, retires, or does not continue employment in a position required to participate in the retirement system, the member, or in the case of death, the beneficiary, shall have sixty (60) days to pay the remaining principal of the purchase by lump sum, except that payment by the member shall be made prior to the effective retirement date. If the member or beneficiary does not pay the remaining cost, the retirement system shall refund to the member or the beneficiary the payment, payments, or portion of a payment that does not represent a full month of service purchased.

(f) If the employer does not report installment payments on an employee for sixty (60) days, except in the case of employees on military leave or sick leave without pay, the installment purchase shall cease and the retirement system shall refund to the employee the payment, payments, or portion of a payment that does not represent a full month of service purchased. Installment payments of employees on military leave or sick leave without pay shall be suspended during the period of leave and shall resume without recalculation upon the employee's return from leave.

(g) If payments have ceased under paragraph (e) or (f) of this subsection and the member later becomes a participating employee in one (1) of the three (3) systems administered by Kentucky Retirement Systems, the employee may complete the adjusted original installment purchase by lump sum or installment payments. If the employee elects to renew the installment purchase, the cost of the remaining service shall be recalculated in accordance with paragraph (a) of this subsection. If the original installment purchase was for multiple service purchases, the employee may not separate those purchases under a new installment purchase.

(17) Any employee participating in one (1) of the retirement systems administered by Kentucky Retirement Systems may purchase service credit under any of the provisions of KRS 16.510 to 16.652, 61.515 to 61.705, or 78.520 to 78.852 by transferring funds through a direct trustee-to-trustee transfer as permitted under the applicable sections of the Internal Revenue Code and any regulations or rulings issued thereunder, or through a direct rollover as contemplated by and permitted under 26 U.S.C. sec. 401(a)(31) and any regulations or rulings issued thereunder. Service credit may also be purchased by a rollover of funds pursuant to and permitted under the rules specified in 26 U.S.C. sec. 402(c) and 26 U.S.C. sec. 408(d)(3). The Kentucky Retirement Systems shall accept the transfer or rollover to the extent permitted under the rules specified in the applicable provisions of the Internal Revenue Code and any regulations and rulings issued thereunder. The amount shall be credited to the individual member's contribution account in the appropriate retirement system and shall be considered accumulated contributions of the member.

(18) After August 1, 1998, any employee participating in one (1) of the retirement systems administered by Kentucky Retirement Systems who is age sixty-five (65) or older and has forty-eight (48) months of service credit or, if younger, who has sixty (60) months of service credit in systems administered by Kentucky Retirement Systems may purchase credit in the system in which the employee has the service credit for up to ten (10) years service in a regular full-time position that was credited to a state or local government-administered public defined benefit plan in another state other than a defined benefit plan for teachers. The employee shall pay a delayed contribution payment. Payment may be by lump sum, or the employee may pay by increments. The employee may transfer funds directly from the other state's plan if eligible to the extent permitted under subsection (17) of this section and to the extent permitted by the other state's laws and shall provide proof that he is not eligible for a retirement benefit for the period of service from the other state's plan.

(19) After August 1, 1998, any employee participating in one (1) of the retirement systems administered by Kentucky Retirement Systems, who has sixty (60) or more months of service in the State Police Retirement System or in a hazardous position in the Kentucky Employees Retirement System or the County Employees Retirement System, may purchase credit in the system in which the employee has the sixty (60) months of service credit for up to ten (10) years of service in a regular full-time position that was credited to a defined benefit retirement plan administered by a state or local government in another state, if the service could be certified as hazardous pursuant to KRS 61.592. The employee shall pay a delayed contribution payment. Payment may be by lump sum or by increments. The employee may transfer funds directly from the other unit of government's plan if eligible to the extent permitted under subsection (17) of this section and to the extent permitted by the other state's laws, and the employee shall provide proof that he is not eligible for a retirement benefit for the period of service from the other unit of government's plan.

(20) Any employee participating in one (1) of the retirement systems administered by Kentucky Retirement Systems who has at least forty-eight (48) months of service if age sixty-five (65) or at least sixty (60) months of service if under age sixty-five (65) in the systems administered by Kentucky Retirement Systems and who has completed service as a volunteer in the Kentucky Peace Corps, created by KRS 154.01-720, may purchase service credit for the time served in the corps by making delayed contribution payments.

(21) An employee participating in any retirement system administered by Kentucky Retirement Systems who has at least forty-eight (48) months of service if age sixty-five (65), or at least sixty (60) months of service if under age sixty-five (65) in the systems administered by Kentucky Retirement Systems, and who was formerly employed in a regional community mental health and mental retardation services program, organized and operated under the provisions of KRS 210.370 to 210.480, which does not participate in a state-administered retirement system may obtain credit for the period of his service in the regional community mental health and mental retardation program, by paying to the state retirement system in which he participates a delayed contribution payment. Payment to one (1) of the retirement systems administered by the Kentucky Retirement Systems may be made by lump sum or in increments.

(22) An employee participating in one (1) of the retirement systems administered by Kentucky Retirement Systems who has at least forty-eight (48) months of service if age sixty-five (65) or at least sixty (60) months of service if under age sixty-five (65) in the systems administered by the Kentucky Retirement Systems, who was employed by a vocational technical school in a noncertified part-time position averaging eighty (80) or more hours per month, determined by using the number of months actually worked within a calendar or fiscal year, may purchase service credit in the Kentucky Employees Retirement System. The cost of the service shall be a delayed contribution payment, which shall not be picked up by the employer as described in KRS 61.560(4).

(23) (a) Any person who is entitled to service credit for employment which was not reported in accordance with KRS 16.543, 61.543, or KRS 78.615 may obtain credit for the service by paying the employee contributions due within six (6) months of notification by the system. No interest shall be added to the contributions. The service credit shall not be credited to the member's account until the employer contributions are received. If a retired member makes the payment within six (6) months, the retired member's retirement allowance shall be adjusted to reflect the added service after the employer contributions are received by the retirement system.

(b) Any employee participating in one (1) of the state-administered retirement systems who is entitled to service credit under paragraph (a) of this subsection and who has not repaid the employee contributions due within six (6) months of notification by the system may regain the credit after the six (6) months by paying to the system the employee contributions plus interest at the actuarially assumed rate from the date of initial notification under paragraph (a) of this subsection. Service credit shall not be credited to the member's account until the employer contributions are received by the retirement system. The payments shall not be picked up, as described in KRS 61.560(4), by the employer.

(24) Any employee participating in one (1) of the retirement systems administered by Kentucky Retirement Systems who has at least forty-eight (48) months of service if age sixty-five (65) or at least sixty (60) months of service if under age sixty-five (65) in the systems administered by the Kentucky Retirement Systems may purchase service credit for employment with a public agency that would have been eligible to participate under KRS 61.520 but which did not participate in the Kentucky Employees Retirement System or a political subdivision that would have been eligible to participate under KRS 78.530 but which did not participate in the County Employees Retirement System if the former public agency or political subdivision has merged with or been taken over by a participating department or county. The cost of the service shall be determined as a delayed contribution payment for the respective retirement system. Payment may be made by lump sum or in increments. The payment shall not be picked up, as described in KRS 61.560(4) or KRS 78.610(4), by the employer.

(25) Any employee participating in one (1) of the retirement systems administered by the Kentucky Retirement Systems prior to July 15, 2002, who has accrued at least forty-eight (48) months of service if age sixty-five (65) or at least sixty (60) months of service if under age sixty-five (65) in the systems administered by the Kentucky Retirement Systems and who has total service in all state-administered retirement systems of at least one hundred eighty (180) months of service credit may purchase a combined maximum total of five (5) years of retirement service credit which is not otherwise purchasable under any of the provisions of KRS 16.510 to 16.652, KRS 61.510 to 61.705, and KRS 78.510 to 78.852. The purchase price for the retirement service credit shall be calculated and paid for as a delayed contribution payment. The payment shall not be picked up, as described in KRS 16.545(4), KRS 61.560(4), KRS 78.610(4), by the employer, and the employee's payment shall be paid into the individual member's contribution account in the appropriate retirement system and shall be considered accumulated contributions of the member. Payment by the member may be by lump sum or by increments. The service purchased under this subsection shall not be used in determining a retirement allowance until the member has accrued at least two hundred forty (240) months of service, excluding service purchased under this subsection. If the member does not accrue at least two hundred forty (240) months of service, excluding service purchased under this subsection, upon retirement, death, or written request following termination, the payment, plus interest as provided in KRS 61.575, sha~~ll be refu~~nded.

(26) An employee participating in one (1) of the retirement systems administered by Kentucky Retirement Systems, who has at least forty-eight (48) months of service if age sixty-five (65), or at least sixty (60) months of service if under age sixty-five (65), in the systems administered by Kentucky Retirement Systems, may obtain credit in the County Employees Retirement System for the period of that employee's service with a community action agency created under KRS 273.405 to 273.453 if that service was not covered by a state-administered retirement system. The member shall pay to the retirement system a delayed contribution payment. Payment may be made by lump sum or in increments. The payment shall not be picked up, as described in KRS 61.560(4) or 78.610(4), by the employer.

(27) Any employee participating in one (1) of the retirement systems administered by Kentucky Retirement Systems who has at least forty-eight (48) months of service if age sixty-five (65) or at least sixty (60) months of service if under age sixty-five (65) in the retirement systems administered by the Kentucky Retirement Systems may obtain current service credit for up to forty-eight (48) months for his or her period of service as a Domestic Relations Commissioner by paying to the retirement system a delayed contribution payment no later than December 31, 2002. Payment may be made by lump sum or under an installment agreement. The payment shall not be picked up, as described in KRS 61.560(4), by the employer, and shall be deposited to the individual member's account.

(28) The board of trustees is authorized to establish a program, subject to a favorable ruling from the Internal Revenue Service, to provide for the purchase of service credit under any of the provisions of KRS 16.510 to 16.552, 61.515 to 61.705, and 78.520 to 78.852, pursuant to the employer pick-up provisions in 26 U.S.C. sec. 414(h)(2).

(29) An employee may obtain credit for regular full-time service with an agency prior to August 1, 1998, for which the employee did not receive credit due to KRS 61.637(1), by paying a delayed contribution. The payment shall not be picked up by the employer, except as provided in subsection (28) of this section, and shall be credited to the employee's second retirement account. Service credit obtained under this subsection shall not be used in determining benefits under KRS 61.702. The employee may purchase credit for service prior to August 1, 1998, if:

(a) The employee retired from one (1) of the retirement systems administered by the Kentucky Retirement Systems and was reemployed prior to August 1, 1998, earning less than the maximum permissible earnings under the Federal Social Security Act;

(b) The employee elected to participate in a second retirement account effective August 1, 1998, in accordance with KRS 61.637(7); and

(c) The employee has at least forty-eight (48) months of service if age sixty-five (65), or at least sixty (60) months of service if under age sixty-five (65), in a second account in the systems administered by Kentucky Retirement Systems."; and

By renumbering subsequent section accordingly.

House Floor Amendment No. 7 to **SB 55,** by Representative De. Butler:

SB 55, On page 10, between lines 16 and 17, by inserting the following:

"SECTION 5. A NEW SECTION OF KRS CHAPTER 411 IS CREATED TO READ AS FOLLOWS:

(1) An employer who provides information about the job performance, professional conduct, or evaluation of a former or current employee to a prospective employer of that employee, at the request of that employee or prospective employer, shall be immune from civil liability arising out of the disclosure unless the plaintiff in the civil action proves:

(a) That the employer disclosed the information knowing that it was false, with reckless disregard of whether it was true or false, or with intent to mislead the prospective employer;

(b) That the information was provided in a negligent manner; or

(c) That the disclosure of the information by the employer constitutes an unlawful discriminatory practice under KRS Chapter 344.

(2) This section does not create a new cause of action or substantive legal right against an employer.

(3) This section does not limit an employer's immunity from civil liability or defenses established in another section of the Kentucky Revised Statutes or available at common law.

(4) This section shall prevail over any conflicting section of KRS Chapter 411."; and

By renumbering the subsequent section accordingly; and

On page 10, line 18, by deleting "this Act takes" and inserting "Sections 1 to 4 of this Act take".

House Floor Amendment No. 8 Title to **SB 55,** by Representative De Butler:

SB 55, By amending the title to read as follows: "AN ACT relating to security matters and declaring an emergency.".

House Floor Amendment No. 1 to the House Committee Substitute to **SB 1,** by Representative Yonts:

SB 1, On page 1 , line 13, by deleting "*two hundred fifty thousand dollars ($250,000)*" and inserting "*one million dollars ($1,000,000)*" in lieu thereof; and

On page 1 , line 15, by deleting "*two hundred fifty thousand dollars ($250,000)*" and inserting "*one million dollars ($1,000,000)*" in lieu thereof.

House Floor Amendment No. 3 to the House Committee Substitute to **SB 245,** by Representative Napier:

SB 245, By deleting everything after the enacting clause and inserting in lieu thereof the following:

"SECTION 1. IT IS PROPOSED THAT A NEW SECTION BE ADDED TO THE CONSTITUTION OF KENTUCKY TO BE NUMBERED 233A AND TO READ AS FOLLOWS:

Only a marriage between one man and one woman shall be valid or recognized as a marriage in Kentucky. A legal status identical or substantially similar to that of marriage for unmarried individuals shall not be valid or recognized.

Section 2. This amendment shall be submitted to the voters of the Commonwealth for their ratification or rejection at the time and in the manner provided for under Sections 256 and 257 of the Constitution and under KRS 118.415. The question to be presented to the voters shall read as follows: "Are you in favor of amending the Kentucky Constitution to provide that only a marriage between one man and one woman shall be a marriage in Kentucky, and that a legal status identical to or similar to marriage for unmarried individuals shall not be valid or recognized?" ".

House Floor Amendment No. 4 Title to **SB 245,** by Representative Napier:

SB 245, By amending the title to read as follows: "AN ACT proposing an amendment of the Constitution of Kentucky by creating a Section 233A relating to marriage.".

House Floor Amendment No. 6 to **SB 135,** by Representative T. Thompson:

SB 135, On page 1, between lines 18 and 19, by inserting the following:

"Section 2. KRS 18A.225 is amended to read as follows:

(1) (a) The term "health maintenance organization" for the purposes of this section means a health maintenance organization as defined in KRS 304.38-030 or as a nonprofit hospital, medical-surgical, dental, and health service corporation, which has been licensed by the Kentucky Health Facilities and Health Services Certificate of Need and Licensure Board or its successor agency and issued a certificate of authority by the Department of Insurance as a

health maintenance organization or as a nonprofit hospital, medical-surgical, dental, and health service corporation and which is qualified under the requirements of the United States Department of Health, Education and Welfare except as provided in subsection (2) of this section; and

(b) The term "employee" for purposes of this section means:

1. Any person, including an elected public official, who is regularly employed by any department, board, agency, or branch of state government; or by a public postsecondary educational institution; or by any city, urban-county, charter county, county, or consolidated local government, whose legislative body has opted to participate in the state-sponsored health insurance program pursuant to KRS 79.080; and who is either a contributing member to any one (1) of the retirement systems administered by the state, including but not limited to the Kentucky Retirement Systems, Kentucky Teachers' Retirement System, the Legislators' Retirement Plan, or the Judicial Retirement Plan; or is receiving a contractual contribution from the state toward a retirement plan; or, in the case of a public postsecondary education institution, is an individual participating in an optional retirement plan authorized by KRS 161.567;

2. Any certified or classified employee of a local board of education;

3. Any person who is a present or future recipient of a retirement allowance from the Kentucky Retirement Systems, Kentucky Teachers' Retirement System, the Legislators' Retirement Plan, the Judicial Retirement Plan, or the Kentucky Community and Technical College System's optional retirement plan authorized by KRS 161.567, except that a person who is receiving a retirement allowance and who is age sixty-five (65) or older shall not be included, with the exception of persons covered under KRS 61.702(4)(c), unless he or she is actively employed pursuant to subparagraph 1. of this paragraph; and

4. Any eligible dependents and beneficiaries of participating employees and retirees who are entitled to participate in the state-sponsored health insurance program.

(2) (a) The secretary of the Finance and Administration Cabinet, upon the recommendation of the secretary of the Personnel Cabinet, shall procure, in compliance with the provisions of KRS 45A.080, 45A.085, and 45A.090, from one (1) or more health insurance companies or from one (1) or more health maintenance organizations authorized to do business in this state, a policy or policies of group health care coverage, that may include but not be limited to health maintenance organization (HMO), preferred provider organization (PPO), point of service (POS), and exclusive provider organization (EPO) benefit plans encompassing all or any class or classes of employees. With the exception of employers governed by the provisions of KRS Chapters 16, 18A, and 151B, all employers of any class of employees or former employees shall enter into a contract with the Personnel Cabinet prior to including that group in the state health insurance group. The contracts shall include but not be limited to designating the entity responsible for filing any federal forms, adoption of policies required for proper plan administration, acceptance of the contractual provisions with health insurance carriers or third-party administrators, and adoption of the payment and reimbursement methods necessary for efficient administration of the health insurance program. Health insurance coverage provided to state employees under this section shall, at a minimum, contain the same benefits as provided under Kentucky Kare Standard as of January 1, 1994, and shall include a mail-order drug option as provided in subsection (14) of this section. All employees and other persons for whom the health care coverage is provided or made available shall annually be given an option to elect health care coverage through a self-funded plan offered by the Commonwealth or, if a self-funded plan is not available, from a list of coverage options determined by the competitive bid process under the provisions of KRS 45A.080, 45A.085, and 45A.090 and made available during annual open enrollment.

(b) The policy or policies shall be approved by the commissioner of insurance and may contain the provisions he approves, whether or not otherwise permitted by the insurance laws.

(c) Any carrier bidding to offer health care coverage to employees shall agree to provide coverage to all members of the state group, including active employees and retirees and their eligible covered dependents and beneficiaries, within the county or counties specified in its bid. Except as provided in subsection (19) of this section, any carrier bidding to offer health care coverage to employees shall also agree to rate all employees as a single entity, except for those retirees whose former employers insure their active employees outside the state-sponsored health insurance program.

(d) Any carrier bidding to offer health care coverage to employees shall agree to provide enrollment, claims, and utilization data to the Commonwealth in a format specified by the Personnel Cabinet with the understanding that the data shall be owned by the Commonwealth; to provide data in an electronic form and within a time frame specified by the Personnel Cabinet; and to be subject to penalties for noncompliance with data reporting requirements as specified by the Personnel Cabinet. The Personnel Cabinet shall take strict precautions to protect the confidentiality of each individual employee; however, confidentiality assertions shall not relieve a carrier from the requirement of providing stipulated data to the Commonwealth.

(e) The Personnel Cabinet shall develop the necessary techniques and capabilities for timely analysis of data received from carriers and, to the extent possible, provide in the request-for-proposal specifics relating to data requirements, electronic reporting, and penalties for noncompliance. The Commonwealth shall own the enrollment, claims, and utilization data provided by each carrier and shall develop methods to protect the confidentiality of the individual. The Personnel Cabinet shall include in the October annual report submitted pursuant to the provisions of KRS 18A.226 to the Governor, the General Assembly, and the Chief Justice of the Supreme Court, an analysis of the financial stability of the program, which shall include but not be limited to loss ratios, methods of risk adjustment, measurements of carrier quality of service, prescription coverage and cost management, and statutorily required mandates. If state self-insurance was available as a carrier option, the report also shall provide a detailed financial analysis of the self-insurance fund including, but not limited to, loss ratios, reserves, and reinsurance agreements.

(f) If any agency participating in the state-sponsored employee health insurance program for its active employees terminates participation and there is a state appropriation for the employer's contribution for active employees' health insurance coverage, then neither the agency nor the employees shall receive the state-funded contribution after termination from the state-sponsored employee health insurance program.

(g) Any funds in flexible spending accounts that remain after all reimbursements have been processed shall be transferred to the credit of the state-sponsored health insurance plan's appropriation account.

(h) Each entity participating in the state-sponsored health insurance program shall provide an amount at least equal to the state contribution rate for the employer portion of the health insurance premium. For any participating entity that used the state payroll system, the employer contribution amount shall be equal to but not greater than the state contribution rate.

(3) The secretary of the Finance and Administration Cabinet, upon the recommendation of the secretary of the Personnel Cabinet, may procure from one (1) or more dental insurance companies, one (1) or more nonprofit hospital, medical-surgical, dental, and health service corporations organized under Subtitle 32 of KRS Chapter 304, or one (1) or more prepaid dental plan organizations organized under Subtitle 43 of KRS Chapter 304, a policy or policies of group dental insurance or prepaid dental plan coverage encompassing all or any class or classes of employees. All employees for whom the dental insurance or prepaid dental plan coverage is provided shall annually be given an option to elect either standard dental insurance coverage or coverage by a prepaid dental plan. The policy or policies shall be approved by the commissioner of insurance and may contain the provisions he approves, whether or not otherwise permitted by the insurance laws. It is intended that either dental insurance or prepaid dental plan coverage may be made available for employees, except that the procuring of each is permissive.

(4) The premiums may be paid by the policyholder:

(a) Wholly from funds contributed by the employee, by payroll deduction or otherwise;

(b) Wholly from funds contributed by any department, board, agency, public postsecondary education institution, or branch of state, city, urban-county, charter county, county, or consolidated local government; or

(c) Partly from each, except that any premium due for health care coverage or dental coverage, if any, in excess of the premium amount contributed by any department, board, agency, postsecondary education institution, or branch of state, city, urban-county, charter county, county, or consolidated local government for any other health care coverage shall be paid by the employee.

(5) If an employee moves his place of residence or employment out of the service area of a managed health care plan or of a prepaid dental plan, under which he has elected coverage, into either the service area of another managed health care plan or prepaid dental plan or into an area of the Commonwealth not within a managed health care plan service area or prepaid dental plan service area, the employee shall be given an option, at the time of the move or transfer, to change his or her coverage to another health care plan or dental plan.

(6) No payment of premium by any department, board, agency, public postsecondary educational institution, or branch of state, city, urban-county, charter county, county, or consolidated local government shall constitute compensation to an insured employee for the purposes of any statute fixing or limiting the compensation of such an employee. Any premium or other expense incurred by any department, board, agency, public postsecondary educational institution, or branch of state, city, urban-county, charter county, county, or consolidated local government shall be considered a proper cost of administration.

(7) The policy or policies may contain the provisions with respect to the class or classes of employees covered, amounts of insurance or coverage for designated classes or groups of employees, policy options, terms of eligibility, and continuation of insurance or coverage after retirement.

(8) Group rates under this section shall be made available to the disabled child of an employee regardless of the child's age if the entire premium for the disabled child's coverage is paid by the state employee. A child shall be considered disabled if he has been determined to be eligible for federal Social Security disability benefits.

(9) The health care contract or contracts for employees shall be entered into for a period of not less than one (1) year.

(10) The secretary shall appoint thirty-two (32) persons to an Advisory Committee of State Health Insurance Subscribers to advise the secretary or his designee regarding the state-sponsored health insurance program for employees. The secretary shall appoint, from a list of names submitted by appointing authorities, members representing school districts from each of the seven (7) Supreme Court districts, members representing state government from each of the seven (7) Supreme Court districts, two (2) members representing retirees under age sixty-five (65), one (1) member representing local health

departments, two (2) members representing the Kentucky Teachers' Retirement System, and three (3) members at large. The secretary shall also appoint two (2) members from a list of five (5) names submitted by the Kentucky Education Association, two (2) members from a list of five (5) names submitted by the largest state employee organization of nonschool state employees, two (2) members from a list of five (5) names submitted by the Kentucky Association of Counties, two (2) members from a list of five (5) names submitted by the Kentucky League of Cities, and two (2) members from a list of names consisting of five (5) names submitted by each state employee organization that has two thousand (2,000) or more members on state payroll deduction. The advisory committee shall be appointed in January of each year and shall meet quarterly.

(11) Notwithstanding any other provision of law to the contrary, the policy or policies provided to employees pursuant to this section shall not provide coverage for obtaining or performing an abortion, nor shall any state funds be used for the purpose of obtaining or performing an abortion on behalf of employees or their dependents.

(12) Interruption of an established treatment regime with maintenance drugs shall be grounds for an insured to appeal a formulary change through the established appeal procedures approved by the Department of Insurance, if the physician supervising the treatment certifies that the change is not in the best interests of the patient.

(13) Any employee who is eligible for and elects to participate in the state health insurance program as a retiree, or the spouse or beneficiary of a retiree, under any one (1) of the state-sponsored retirement systems shall not be eligible to receive the state health insurance contribution toward health care coverage as a result of any other employment for which there is a public employer contribution. This does not preclude a retiree and an active employee spouse from using both contributions to the extent needed for purchase of one (1) state sponsored health insurance policy for that plan year.

(14) (a) The policies of health insurance coverage procured under subsection (2) of this section shall include a mail-order drug option for maintenance drugs for state employees. Maintenance drugs may be dispensed by mail order in accordance with Kentucky law.

(b) A health insurer shall not discriminate against any retail pharmacy located within the geographic coverage area of the health benefit plan and that meets the terms and conditions for participation established by the insurer, including price, dispensing fee, and copay requirements of a mail-order option. The retail pharmacy shall not be required to dispense by mail.

(c) The mail-order option shall not permit the dispensing of a controlled substance classified in Schedule II.

(15) The policy or policies provided to state employees or their dependents pursuant to this section shall provide coverage for obtaining a hearing aid and acquiring hearing aid-related services for insured individuals under eighteen (18) years of age, subject to a cap of one thousand four hundred dollars ($1,400) every thirty-six (36) months.

(16) If a state employee's residence and place of employment are in the same county, and if the hospital located within that county does not offer surgical services, intensive care services, obstetrical services, level II neonatal services, diagnostic cardiac catheterization services, and magnetic resonance imaging services, the employee may select a plan available in a contiguous county that does provide those services, and the state contribution for the plan shall be the amount available in the county where the plan selected is located.

(17) If a state employee's residence and place of employment are each located in counties in which the hospitals do not offer surgical services, intensive care services, obstetrical services, level II neonatal services, diagnostic cardiac catheterization services, and magnetic resonance imaging services, the employee may select a plan available in a county contiguous to the county of residence that does provide those services, and the state contribution for the plan shall be the amount available in the county where the plan selected is located.

(18) The Personnel Cabinet is encouraged to study whether it is fair and reasonable and in the best interests of the state group to allow any carrier bidding to offer health care coverage under this section to submit bids that may vary county by county or by larger geographic areas.

(19) Notwithstanding any other provision of this section, the bid for proposals for health insurance coverage for calendar year 2004 shall include a bid scenario that reflects the statewide rating structure provided in calendar year 2003 and a bid scenario that allows for a regional rating structure that allows carriers to submit bids that may vary by region for a given product offering as described in this subsection:

(a) The regional rating bid scenario shall not include a request for bid on a statewide option;

(b) The Personnel Cabinet shall divide the state into geographical regions which shall be the same as the partnership regions designated by the Department for Medicaid Services for purposes of the Kentucky Health Care Partnership Program established pursuant to 907 KAR 1:705;

(c) The request for proposal shall require a carrier's bid to include every county within the region or regions for which the bid is submitted and include but not be restricted to a preferred provider organization (PPO) option;

(d) If the Personnel Cabinet accepts a carrier's bid, the cabinet shall award the carrier all of the counties included in its bid within the region. If the Personnel Cabinet deems the bids submitted in accordance with this subsection to be in the best interests of state employees in a region, the cabinet may award the contract for that region to no more than two (2) carriers; and

(e) Nothing in this subsection shall prohibit the Personnel Cabinet from including other requirements or criteria in the request for proposal.

(20) If the cabinet elects to provide health insurance to state employees through a self-funded plan, the cabinet may establish a provider network for the plan or the cabinet may contract with an established insurer to rent the insurer's provider network."; and

On page 1, by deleting line 19 in its entirety and inserting the following in lieu thereof:

"Section 3. The provisions of Section 1 of this Act take effect January 1, 2005.".

House Floor Amendment No. 6 Title to **SB 245**, by Representative Nelson:

SB 245, By amending the title to read as follows: "AN ACT proposing an amendment of the Constitution of Kentucky by creating a Section 233A relating to marriage.".

House Floor Amendment No. 1 to the House Committee Substitute to **SB 156**, by Representative De. Butler:

SB 156, On page 13, line 17, after "organizations.", by deleting all new language;

On page 13, lines 18 to 20, by deleting the lines in their entirety; and

On page 13, line 21, by deleting "*same political party.*".

House Floor Amendment No. 6 to **SB 40**, by Representative Burch:

SB 40, On page 5, after line 17, by inserting the following:

"SECTION 3. A NEW SECTION OF KRS CHAPTER 194A IS CREATED TO READ AS FOLLOWS:

(1) No prescription drug, laboratory test, or diagnostic test that is medically necessary and properly prescribed under the laws of the Commonwealth for programs operated by the cabinet shall be subject to any limitation or prior authorization if the drug or test is for the treatment or prevention of human immunodeficiency virus or acquired immunodeficiency syndrome.

(2) This section shall not apply to an outpatient pharmacy program administered through a regional Medicaid partnership program.".

House Floor Amendment No. 8 to the House Committee Substitute to **SB 52**, by Representative Damron:

SB 52, On page 5, after line 12, by inserting the following:

"SECTION 3. A NEW SECTION OF KRS CHAPTER 156 IS CREATED TO READ AS FOLLOWS:

September shall be designated as Character Education Month in the public schools. The Department of Education may publicize and promote the efforts of Kentucky public schools to instill the core values of self-sufficiency, altruism, citizenship, courtesy, honesty, human worth, justice, knowledge, respect, responsibility, and self-discipline in Kentucky students.".

House Floor Amendment No. 1 to the House Committee Substitute to **SB 251**, by Representative Damron:

SB 251, On page 4, below line 15, to insert the following:

"Section 5. KRS 29A.100 is amended to read as follows:

(1) *(a)* Upon the request of a prospective juror prior to his assignment to a trial court, the Chief Circuit Judge, or after his assignment to a trial court, the trial judge may excuse such juror upon a showing of undue hardship, extreme inconvenience or public necessity.

(b)[~~(2)~~] In his discretion the judge may excuse a juror from service entirely or may postpone the juror's service temporarily. Whenever possible the judge shall favor temporary postponement of service over permanent excuse. When excusing a juror, the judge shall record the juror's name, as provided in KRS 29A.080, and his reasons for granting the excuse.

(2) (a) The Chief Circuit Judge, prior to the assignment of a prospective juror to a trial court, and the trial judge, after assignment to his or her court, shall defer a prospective juror when that person:

1. Is the primary caregiver having active care and custody of a child under six (6) years of age or an elderly or disabled family member; and

2. Completes a form described in this subparagraph and provided by the Administrative Office of the Courts, subject to approval by the Chief Justice of the Kentucky Supreme Court. The form, at a minimum, shall contain the prospective juror's:

a. Statement that he or she is the primary caregiver having active care and custody of a child under six (6) years of age or an elderly or disabled family member;

b. Request to be deferred;

c. Signed declaration that he or she has completed the form with information that is true to the best of his or her knowledge; and

d. Acknowledgment that a willful misrepresentation of a material fact on the form may be punished by fine, imprisonment, or both.

(b) The Chief Circuit Judge or the trial court judge, as appropriate, may question a prospective juror about the contents of the submitted form before arriving at the determination in paragraph (c) of this subsection.

(c) If the appropriate judge determines that a prospective juror has met the requirements of paragraph (a) of this subsection, that judge shall:

1. Enter this determination in the space provided on the form and on the list of names drawn from the jury wheel; and

2. Cause the immediate notification of the person that he or she is deferred.

(d) The contents of the form shall be made available to parties or their attorneys of record unless the court determines in any instance in the interest of justice that this information shall be kept confidential or its use limited in whole or in part.

(e) No person shall willfully misrepresent a material fact on the form."

House Floor Amendment No. 2 to **SB 251**, by Representative Damron:

SB 251, On page 2, below line 21, to insert the following:

"Section 3. KRS 29A.100 is amended to read as follows:

(1) *(a)* Upon the request of a prospective juror prior to his assignment to a trial court, the Chief Circuit Judge, or after his assignment to a trial court, the trial judge may excuse such juror upon a showing of undue hardship, extreme inconvenience or public necessity.

(b)[(2)] In his discretion the judge may excuse a juror from service entirely or may postpone the juror's service temporarily. Whenever possible the judge shall favor temporary postponement of service over permanent excuse. When excusing a juror, the judge shall record the juror's name, as provided in KRS 29A.080, and his reasons for granting the excuse.

(2) (a) The Chief Circuit Judge, prior to the assignment of a prospective juror to a trial court, and the trial judge, after assignment to his or her court, shall defer a prospective juror when that person:

1. Is the primary caregiver having active care and custody of a child under six (6) years of age or an elderly or disabled family member; and

2. Completes a form described in this subparagraph and provided by the Administrative Office of the Courts, subject to approval by the Chief Justice of the Kentucky Supreme Court. The form, at a minimum, shall contain the prospective juror's:

a. Statement that he or she is the primary caregiver having active care and custody of a child under six (6) years of age or an elderly or disabled family member;

b. Request to be deferred;

c. Signed declaration that he or she has completed the form with information that is true to the best of his or her knowledge; and

d. Acknowledgment that a willful misrepresentation of a material fact on the form may be punished by fine, imprisonment, or both.

(b) The Chief Circuit Judge or the trial court judge, as appropriate, may question a prospective juror about the contents of the submitted form before arriving at the determination in paragraph (c) of this subsection.

(c) If the appropriate judge determines that a prospective juror has met the requirements of paragraph (a) of this subsection, that judge shall:

1. Enter this determination in the space provided on the form and on the list of names drawn from the jury wheel; and

2. Cause the immediate notification of the person that he or she is deferred.

(d) The contents of the form shall be made available to parties or their attorneys of record unless the court determines in any instance in the interest of justice that this information shall be kept confidential or its use limited in whole or in part.

(e) No person shall willfully misrepresent a material fact on the form."

House Floor Amendment No. 10 to the House Committee Substitute to **SB 106**, by Representative Yonts:

SB 106, On page 3, after line 7, add a new Section 5 to read as follows:

"Section 5. The Transportation Cabinet shall name United States Route 431 in Muhlenberg County from Central City to Drakesboro the "Muhlenberg County, Birthplace of Thumb Picking Style of Guitar Playing Highway." The cabinet shall, within 30 days of the effective date of this Act, erect signs on United States Route 431 at Central City, Drakesboro, and at appropriate intervals in between that read "Muhlenberg County, Birthplace of Thumb Picking Style of Guitar Playing Highway."".

House Floor Amendment No. 1 to **SJR 83**, by Representative Yonts:

SJR 83, On page 2, between lines 2 and 3, by inserting the following:

"Section 2. Muhlenburg County is designated as the birthplace of the thumb-picking style of guitar playing."; and

On page 2, line 3, by changing "Section 2." to "Section 3.".

House Floor Amendment No. 2 Title to **SJR 83**, by Representative Yonts:

SJR 83, By changing the title to read "A JOINT RESOLUTION making official state designations."

House Floor Amendment No. 3 Title to **SB 95**, by Representative Damron:

SB 95, On page 1, the title, to delete the title appearing thereon and to insert in lieu thereof "AN ACT relating to deadly weapons matters."

House Floor Amendment No. 2 to **SB 95**, by Representative Damron:

SB 95, On page 1, after line 6, insert the following:

"Section 2. KRS 237.110 is amended to read as follows:

(1) The Department of State Police is authorized to issue licenses to carry concealed firearms or other deadly weapons to persons qualified as provided in this section. The Department of State Police or the Administrative Office of the Courts shall conduct a record check, covering all offenses and conditions which are required under 18 U.S.C. sec. 922(g) and this section, in the manner provided by 18 U.S.C. sec. 922(s). Licenses shall be valid throughout the state for a period of five (5) years from the date of issuance. Any person in compliance with the terms of the license may carry a concealed firearm or other deadly weapon or combination of firearms and other deadly weapons on or about his person. The licensee shall carry the license at all times the licensee is carrying a concealed firearm or other deadly weapon and shall display the license upon request of a law enforcement officer. Violation of the provisions of this subsection shall constitute a noncriminal violation with a penalty of twenty-five dollars ($25), payable to the clerk of the District Court.

(2) The Department of State Police, following the record check required by subsection (1) of this section, shall issue a license if the applicant:

- (a) Is a resident of the state and has been a resident for six (6) months or longer immediately preceding the filing of the application;
- (b) Is twenty-one (21) years of age or older;
- (c) Is not ineligible to possess a firearm pursuant to 18 U.S.C. sec. 922(d)(1) or (g) or KRS 527.040;
- (d) Has not been committed to a state or federal facility for the abuse of a controlled substance or been convicted of a misdemeanor violation of KRS Chapter 218A or similar laws of any other state relating to controlled substances within a three (3) year period immediately preceding the date on which the application is submitted;
- (e) Does not chronically and habitually use alcoholic beverages as evidenced by the applicant having two (2) or more convictions for violating KRS 189A.010 within the three (3) years immediately preceding his application or if the applicant has been committed as an alcoholic pursuant to KRS Chapter 222, or similar laws of any other state, within the three (3) year period immediately preceding the date on which the application is submitted;
- (f) Demonstrates competence with a firearm by completion of a firearms safety or training course or class offered or approved by the Department of Criminal Justice Training.

  Classes presented pursuant to this paragraph shall include instruction on handguns, the safe use of handguns, the care and cleaning of handguns, handgun marksmanship principles, and actual range firing of a handgun in a safe manner. Classes presented pursuant to this paragraph shall include information on laws relating to firearms as described in KRS Chapters 237 and 527 and the law of the use of force as described in KRS Chapter 503. The Department of Criminal Justice Training shall promulgate uniform administrative regulations concerning the certification and decertification of all firearms instructors practicing in the Commonwealth of Kentucky.

Notwithstanding any other provision of the Kentucky Revised Statutes, no person shall qualify as having demonstrated competence with a firearm pursuant to this subsection, unless certified by a governmental agency of the Commonwealth of Kentucky, or of the federal government. The Administrative Office of the Courts shall publish and make available, at no cost, information in a manner suitable for distribution to class participants. A legible photocopy of a certificate of completion of any of the courses or classes or a notarized affidavit from the instructor, school, club, organization, or group that conducts or teaches the course or class attesting to the completion of the course or class by the applicant shall constitute evidence of qualification under this paragraph. Peace officers who are currently certified as peace officers by the Kentucky Law Enforcement Council pursuant to KRS 15.380 to 15.404 and peace officers who are retired and are members of the Kentucky Employees Retirement System, State Police Retirement System, or County Employees Retirement System or other retirement system operated by or for a city, county, or urban-county in Kentucky shall be deemed to have met the training requirement;

(g) Has not been adjudicated an incompetent under KRS Chapter 202B or has waited three (3) years from the date his competency was restored by the court order under KRS Chapter 202B; and

(h) Has not been involuntarily committed to a mental institution pursuant to KRS Chapter 202A, unless he possesses a certificate from a psychiatrist licensed in this state that he has not suffered from disability for a period of three (3) years.

(3) The Department of State Police may deny a license if the applicant has been found guilty of a violation of KRS 508.030 or 508.080 within the three (3) year period prior to the date on which the application is submitted or may revoke a license if the licensee has been found guilty of a violation of KRS 508.030 or 508.080 within the preceding three (3) years.

(4) The Department of State Police shall deny, suspend, or revoke a license to carry a concealed deadly weapon upon written notice by the Cabinet for Families and Children that the person has a child support arrearage which equals or exceeds the cumulative amount which would be owed after one (1) year of nonpayment, or for failure, after receiving appropriate notice, to comply with a subpoena or warrant relating to paternity or child support proceedings.

(5) The application for a permit, or renewal of a permit, to carry a concealed deadly weapon shall be obtained from the office of the sheriff in the county in which the person resides. The completed application and all accompanying material plus an application fee or renewal fee, as appropriate, of sixty dollars ($60) shall be presented to the office of the sheriff of the county in which the applicant resides. A full-time or part-time peace officer who is currently certified as a peace officer by the Kentucky Law Enforcement Council who is authorized by his or her employer or government authority to carry a concealed deadly weapon at all times and all locations within the Commonwealth pursuant to KRS 527.020 or a retired peace officer who is a member of the Kentucky Employees Retirement System, State Police Retirement System, County Employees Retirement System, or other retirement system operated by or for a city, county, or urban-county in Kentucky shall be exempt from paying the application or renewal fees. The sheriff shall transmit the application and accompanying material to the Department of State Police within five (5) working days. Twenty dollars ($20) of the application fee shall be retained by the office of the sheriff for official expenses of the office. Twenty dollars ($20) shall be sent to the Department of State Police with the application. Ten dollars ($10) shall be transmitted by the sheriff to the Administrative Office of the Courts to fund background checks for youth leaders, and ten dollars ($10) shall be transmitted to the Administrative Office of the Courts to fund background checks for applicants for concealed weapons. The application shall be completed, under oath, on a form promulgated by the Department of State Police by administrative regulation which shall only include:

(a) The name, address, place and date of birth, gender, and Social Security number of the applicant;

(b) A statement that, to the best of his knowledge, the applicant is in compliance with criteria contained within subsections (2) and (3) of this section;

(c) A statement that the applicant has been furnished a copy of this section and is knowledgeable about its provisions;

(d) A statement that the applicant has been furnished a copy of, has read, and understands KRS Chapter 503 as it pertains to the use of deadly force for self-defense in Kentucky; and

(e) A conspicuous warning that the application is executed under oath and that a materially false answer to any question, or the submission of any materially false document by the applicant, subjects the applicant to criminal prosecution under KRS 523.030.

(6) The applicant, if a resident of the Commonwealth, shall submit to the sheriff of the applicant's county of residence:

(a) A completed application as described in subsection (5) of this section;

(b) A recent color photograph of the applicant, as prescribed by administrative regulation; and

(c) A photocopy of a certificate or an affidavit or document as described in subsection (2)(f) of this section.

(7) The Department of State Police shall, within ninety (90) days after the date of receipt of the items listed in subsection (6) of this section, either:

(a) Issue the license; or

(b) Deny the application based solely on the grounds that the applicant fails to qualify under the criteria listed in subsection (2) or (3) of this section. If the Department of State Police denies the application, it shall notify the applicant in writing, stating the grounds for denial and informing the applicant of a right to submit, within thirty (30) days, any additional documentation relating to the grounds of denial. Upon receiving any additional documentation, the Department of State Police shall reconsider its decision and inform the applicant within twenty (20) days of the result of the reconsideration. The applicant shall further be informed of the right to seek de novo review of the denial in the District Court of his place of residence within ninety (90) days from the date of the letter advising the applicant of the denial.

(8) The Department of State Police shall maintain an automated listing of licenseholders and pertinent information, and this information shall be available on-line, upon request, at all times to all Kentucky law enforcement agencies. Except as provided in this subsection, information on applications for licenses, names and addresses, or other identifying information relating to license holders shall be confidential and shall not be made available except to law enforcement agencies. Requests for information to be provided to any requester other than a bona fide law enforcement agency which has direct access to the Law Enforcement Information Network of Kentucky shall be made, in writing, directly to the commissioner of the Department of State Police, together with the fee required for the providing of the information. The Department of State Police shall, upon proper application and the payment of the required fee, provide to the requester in hard copy form only, a list of names of all holders in the Commonwealth of a license to carry a concealed deadly weapon. No identifying information other than the name shall be provided, and information for geographic areas or other subdivisions of any type from the list shall not be provided and shall be confidential. The fee to be charged shall be the same as for other public records provided by the Department of State Police. No request for lists of local or statewide permit holders shall be made to any state or local law enforcement agency, peace officer, or other agency of government other than the Department of State Police, and no state or local law enforcement agency, peace officer, or agency of government, other than the Department of State Police, shall provide any information not entitled to it by law. The names of all persons, other than law enforcement agencies and peace officers, requesting information under this section shall be a public record.

(9) Within thirty (30) days after the changing of a permanent address, or within thirty (30) days after the loss or destruction of a license, the licensee shall notify the Department of State Police of the loss or destruction. Failure to notify the Department of State Police shall constitute a noncriminal violation with a penalty of twenty-five dollars ($25) payable to the clerk of the District Court. When a licensee makes application to change his or her residence address or other information on the license, neither the sheriff nor the Department of State Police shall require a surrender of the license until a new license is in the office of the applicable sheriff and available for issuance. Upon the issuance of a new license, the old license shall be destroyed by the sheriff.

(10) If a license is lost or destroyed, the license shall be automatically invalid, and the person to whom the same was issued may, upon payment of fifteen dollars ($15) to the Department of State Police, obtain a duplicate, upon furnishing a notarized statement to the Department of State Police that the license has been lost or destroyed.

(11) A license issued under this section shall be suspended or revoked if the licensee becomes ineligible to be issued a license under the criteria set forth in subsection (2)(a), (c), (d), (e), (f), or (h) of this section. When a domestic violence order or emergency protective order is issued pursuant to the provisions of KRS Chapter 403 against a person holding a license issued under this section, the holder of the permit shall surrender the license to the court or to the officer serving the order. The officer to whom the license is surrendered shall forthwith transmit the license to the court issuing the order. The license shall be suspended until the order is terminated, or until the judge who issued the order terminates the suspension prior to the termination of the underlying domestic violence order or emergency protective order, in writing and by return of the license, upon proper motion by the license holder. Subject to the same conditions as above, a peace officer against whom an emergency protective order or domestic violence order has been issued shall not be permitted to carry a concealed deadly weapon when not on duty, the provisions of KRS 527.020 to the contrary notwithstanding.

(12) Not less than ninety (90) days prior to the expiration date of the license, the Department of State Police shall mail to each licensee a written notice of the expiration and a renewal form prescribed by the Department of State Police. The licensee may renew his license on or before the expiration date by filing with the sheriff of his county of residence the renewal form, a notarized affidavit stating that the licensee remains qualified pursuant to the criteria specified in subsections (2) and (3) of this section, and the required renewal fee. The license shall be renewed to a qualified applicant upon receipt of the completed renewal application and appropriate payment of fees. When a licensee makes application for a renewal of his or her license, neither the sheriff nor the Department of State Police shall require a surrender of the license until the new license is in the office of the applicable sheriff and available for issuance. Upon the issuance of a new license, the old license shall be destroyed by the sheriff. A licensee who fails to file a renewal application on or before its expiration date may renew his license by paying, in addition to the license fees, a late fee of fifteen dollars ($15). No license shall be renewed six (6) months or more after its expiration date, and the license shall be deemed to be permanently expired six (6) months after its expiration date. A person whose license has permanently expired may reapply for licensure pursuant to subsections (5), (6), and (7) of this section.

(13) ***Except as provided in Section 4 of this Act,*** no license issued pursuant to this section shall authorize any person to carry a concealed firearm into:

(a) Any police station or sheriff's office;

(b) Any detention facility, prison, or jail;

(c) Any courthouse, solely occupied by the Court of Justice courtroom, or court proceeding;

(d) Any meeting of the governing body of a county, municipality, or special district; or any meeting of the General Assembly or a committee of the General Assembly, except that nothing in this section shall preclude a member of the body, holding a concealed deadly weapon license, from carrying a concealed deadly weapon at a meeting of the body of which he is a member;

(e) Any portion of an establishment licensed to dispense beer or alcoholic beverages for consumption on the premises, which portion of the establishment is primarily devoted to that purpose;

(f) Any elementary or secondary school facility without the consent of school authorities as provided in KRS 527.070, any child-caring facility as defined in KRS 199.011, any day-care center as defined in KRS 199.894, or any certified family child-care home as defined in KRS 199.8982, except however, any owner of a certified child-care home may carry a concealed firearm into the owner's residence used as a certified child-care home;

(g) An area of an airport to which access is controlled by the inspection of persons and property; or

(h) Any place where the carrying of firearms is prohibited by federal law.

(14) The owner, business or commercial lessee, or manager of a private business enterprise, day-care center as defined in KRS 199.894 or certified or licensed family child-care home as defined in KRS 199.8982, or a health-care facility licensed under KRS Chapter 216B, except facilities renting or leasing housing, may prohibit persons holding concealed deadly weapon licenses from carrying concealed deadly weapons on the premises and may prohibit employees, not authorized by the employer, holding concealed deadly weapons licenses from carrying concealed deadly weapons on the property of the employer. If the building or the premises are open to the public, the employer or business enterprise shall post signs on or about the premises if carrying concealed weapons is prohibited. Possession of weapons, or ammunition, or both in a vehicle on the premises shall not be a criminal offense so long as the weapons, or ammunition, or both are not removed from the vehicle or brandished while the vehicle is on the premises. A private but not a public employer may prohibit employees or other persons holding a concealed deadly weapons license from carrying concealed deadly weapons, or ammunition, or both in vehicles owned by the employer, but may not prohibit employees or other persons holding a concealed deadly weapons license from carrying concealed deadly weapons, or ammunition, or both in vehicles owned by the employee, except that the Justice Cabinet may prohibit an employee from carrying any weapons, or ammunition, or both other than the weapons, or ammunition, or both issued or authorized to be used by the employee of the cabinet, in a vehicle while transporting persons under the employee's supervision or jurisdiction. Carrying of a concealed weapon, or ammunition, or both in a location specified in this subsection by a license holder shall not be a criminal act but may subject the person to denial from the premises or removal from the premises, and, if an employee of an employer, disciplinary measures by the employer.

(15) All moneys collected by the Department of State Police pursuant to this section shall be used to administer the provisions of this section. By March 1 of each year, the Department of State Police and the Administrative Office of the Courts shall submit reports to the Governor, the President of the Senate, and the Speaker of the House of Representatives, indicating the amounts of money collected and the expenditures related to this section and KRS 237.115, 244.125, 527.020, and 527.070, and the administration of the provisions of this section and KRS 237.115, 244.125, 527.020, and 527.070.

(16) The General Assembly finds as a matter of public policy that it is necessary to provide statewide uniform standards for issuing licenses to carry concealed firearms and to occupy the field of regulation of the bearing of concealed firearms to ensure that no person who qualifies under the provisions of this section is denied his rights. The General Assembly does not delegate to the Department of State Police the authority to regulate or restrict the issuing of licenses provided for in this section beyond those provisions contained in this section. This section shall be liberally construed to carry out the constitutional right to bear arms for self-defense.

(17) (a) A person who has a valid license issued by another state of the United States to carry a concealed deadly weapon in that state may, subject to provisions of Kentucky law, carry a concealed deadly weapon in Kentucky, and his license shall be considered as valid in Kentucky.

(b) The Department of State Police shall, not later than thirty (30) days after July 15, 1998, and not less than once every six (6) months thereafter, make written inquiry of the concealed deadly weapon carrying licensing authorities in each other state as to whether a Kentucky resident may carry a concealed deadly weapon in their state based upon having a valid Kentucky concealed deadly weapon license, or whether a Kentucky resident may apply for a concealed deadly weapon carrying license in that state based upon having a valid Kentucky concealed deadly weapon license. The Department of State Police shall attempt to secure from each other state permission for Kentucky residents who hold a valid Kentucky concealed deadly weapon license to carry concealed deadly weapons in that state, either on the basis of the Kentucky license or on the basis that the Kentucky license is sufficient to permit the issuance of a similar license by the other state. The Department of State Police shall enter into a written reciprocity agreement with the appropriate agency in each state that agrees to permit Kentucky residents to carry concealed deadly weapons in the other state on the basis of a Kentucky-issued concealed deadly weapon license or that will issue a license to carry concealed deadly weapons in the other state based upon a Kentucky concealed deadly weapon license. If a reciprocity agreement is reached, the requirement to recontact the other state each six (6) months shall be eliminated as long as the reciprocity agreement is in force. The information shall be a public record and shall be available to individual requesters free of charge for the first copy and at the normal rate for open records requests for additional copies.

(18) By March 1 of each year, the Department of State Police shall submit a statistical report to the Governor, the President of the Senate, and the Speaker of the House of Representatives, indicating the number of licenses issued, revoked, suspended, and denied since the previous report and in total and also the number of licenses currently valid. The report shall also include the number of arrests, convictions, and types of crimes committed since the previous report by individuals licensed to carry concealed weapons.

(19) The following provisions shall apply to concealed deadly weapon training classes conducted by the Department of Criminal Justice Training or any other agency pursuant to this section:

(a) No concealed deadly weapon instructor trainer shall have his or her certification as a concealed deadly weapon instructor trainer reduced to that of instructor or revoked except after a hearing conducted pursuant to KRS Chapter 13B in which the instructor is found to have committed an act in violation of the applicable statutes or administrative regulations;

(b) No concealed deadly weapon instructor shall have his or her certification as a concealed deadly weapon instructor license suspended or revoked except after a hearing conducted pursuant to KRS Chapter 13B in which the instructor is found to have committed an act in violation of the applicable statutes or administrative regulations;

(c) Each concealed deadly weapon instructor or instructor trainer shall notify the Department of Criminal Justice Training not less than fourteen (14) days prior to the beginning of concealed deadly weapon applicant or concealed deadly weapon instructor training of the time, date, and location at which the class will be conducted. The department, upon the request of a firearms instructor trainer or certified firearms instructor, may permit a class to begin on less than fourteen (14) days' notice. The notice need not contain the names of the students. The notice may be made by mail, facsimile, e-mail, or other method which will result in the receipt of or production of a hard copy of the application. The postmark, facsimile date, or e-mail date shall be considered as the date on which the notice was sent;

(d)[~~Each concealed deadly weapon instructor or instructor trainer who teaches a concealed deadly weapon applicant or concealed deadly weapon instructor class shall supply the Department of Criminal Justice Training with a class roster indicating which students enrolled but did not successfully complete the class, and which students enrolled and successfully completed the class which contains the name and address of each student, within five (5) working days of the completion of the class. The information may be sent by mail, facsimile, e-mail, or other method which will result in the receipt of or production of a hard copy of the information. The postmark, facsimile date, or e-mail date shall be considered as the date on which the notice was sent;~~

~~(e)~~] An instructor trainer who assists in the conduct of a concealed deadly weapon instructor class or concealed deadly weapon applicant class for more than two (2) hours shall be considered as to have taught a class for the purpose of maintaining his or her certification. All class record forms shall include spaces for assistant instructors to sign and certify that they have assisted in the conduct of a concealed deadly weapon instructor or concealed deadly weapon class;

(e)[~~(f)~~] An instructor who assists in the conduct of a concealed deadly weapon applicant class for more than two (2) hours shall be considered as to have taught a class for the purpose of maintaining his or her license. All class record forms shall include spaces for assistant instructors to sign and certify that they have assisted in the conduct of a concealed deadly weapon class;

(f)[~~(g)~~] If the Department of Criminal Justice Training believes that a firearms instructor trainer or certified firearms instructor has not in fact complied with the requirements for teaching a certified firearms instructor or applicant class by not teaching the class as specified in KRS 237.126, or who has taught an insufficient class as specified in KRS 237.128, the department shall send to each person who has been listed as successfully completing the concealed deadly weapon applicant class or concealed deadly weapon instructor class a verification form on which the time, date, date of range firing if different from the date on which the class was conducted, location, and instructor of the class is listed by the department and which requires the person to answer "yes" or "no" to specific questions regarding the conduct of the training class. The form shall be completed under oath and shall be returned to the Department of Criminal Justice Training not later than ***forty-five (45)***[~~thirty (30)~~] days after its receipt. ***A person who fails***[~~Failure~~] to complete the form, to sign the form, or to return the form to the Department of Criminal Justice Training within the time frame specified in this section or who, as a result of information on the returned form, is determined by the Department of Criminal Justice Training, following a hearing pursuant to KRS Chapter 13B, to not have received the training required by law shall ***have his or her concealed deadly weapon license revoked by***[~~be grounds for~~] the Department of State Police ***if***[~~to revoke the person's concealed deadly weapon license~~], following a hearing conducted ***by the Department of Criminal Justice Training*** pursuant to KRS Chapter 13B,[~~ at which hearing~~] the person is found to have violated the provisions of this section or ***is***[~~who has been~~] found not to have received the training required by law;

(g)[~~(h)~~] The department shall randomly inspect certified firearms instructor classes being conducted by firearms instructor trainers and shall randomly inspect applicant classes being conducted by firearms instructor trainers or certified firearms instructors to ascertain if the class is being conducted in conformity to the provisions of applicable statutes and administrative regulations and that the paperwork in the class matches the paperwork ultimately submitted by the firearms instructor trainer or certified firearms instructor for that same class. The department shall annually, not later than December 31 of each year, report to the Legislative Research Commission:

1. The number of random inspections;
2. The results of those inspections;
3. The number of deficiencies noted;
4. The nature of the deficiencies noted;
5. If a deficiency was noted, the categories of action taken by the department to either correct the deficiency or discipline the instructor, or a combination thereof;
6. The number of firearms instructor trainers and certified firearms instructors whose certifications were suspended, revoked, denied, or who were otherwise disciplined;
7. The reasons for the imposition of suspensions, revocations, denials, or other discipline; and
8. Suggestions for improvement of the concealed deadly weapon applicant training program and instructor process;

(h)[~~(i)~~] If a concealed deadly weapon license holder is convicted of, pleads guilty to, or enters an Alford plea to a felony offense, then his or her concealed deadly weapon license shall be forthwith revoked by the Department of State Police as a matter of law;

(i)[~~(j)~~] If a concealed deadly weapon instructor or instructor trainer is convicted of, pleads guilty to, or enters an Alford plea to a felony offense, then his or her concealed deadly weapon instructor certification or concealed deadly weapon instructor trainer certification shall be revoked by the Department of Criminal Justice Training as a matter of law; and

(j)[~~(k)~~] The[~~ provisions of this section shall be deemed to be retroactive to March 1, 2002, and the~~] following shall be in effect:

1. Action to eliminate the firearms instructor trainer program as done by emergency administrative regulation is rescinded, the program shall remain in effect, and no firearms instructor trainer shall have his or her certification reduced to that of certified firearms instructor;
2. The Kentucky State Police ***shall***[~~may~~] revoke the concealed deadly weapon license of any person who received no firearms training as required by KRS 237.126 and administrative regulations or who received insufficient training as required by KRS 237.128 and administrative regulations, if the person voluntarily admits nonreceipt of training or admits receipt of insufficient training, or if either nonreceipt of training or receipt of insufficient training is proven following a hearing conducted ***by the Department of Criminal Justice Training*** pursuant to KRS Chapter 13B.[~~ Any action taken by the Kentucky State Police, other than revoking a permit for voluntary admission of nonreceipt of training or receipt of insufficient training to revoke a concealed deadly weapon license of a person suspected of nonreceipt of training or receipt of insufficient training, between March 1, 2002, and July 15, 2002, is suspended until the conduct of a KRS Chapter 13B hearing after July 15, 2002; and~~

~~3. Any person who has received a training affidavit requiring the person to verify training conducted during a firearms instructor course or applicant course from the Department of Criminal Justice Training between March 1, 2002, and July 15, 2002, shall have the time to respond to the training affidavit extended to August 1, 2002. The department shall notify each person who has not, as of July 15, 2002, returned his or her training affidavit of the extension of time to file the affidavit.~~]

Section 3. KRS 237.115 is amended to read as follows:

(1) ***Except as provided in Section 4 of this Act,*** nothing contained in KRS 237.110 shall be construed to limit, restrict, or prohibit in any manner the right of a college, university, or any postsecondary education facility, including technical schools and community colleges, to control the possession of deadly weapons on any property owned or controlled by them or the right of a unit of state, city, county, urban-county, or charter county government to prohibit the carrying of concealed deadly weapons by licensees in that portion of a building actually owned, leased, or occupied by that unit of government.

(2) The legislative body of a state, city, county, or urban-county government may, by statute, administrative regulation, or ordinance, prohibit or limit the carrying of concealed deadly weapons by licensees in that portion of a building owned, leased, or controlled by that unit of government. That portion of a building in which the carrying of concealed deadly weapons is prohibited or limited shall be clearly identified by signs posted at the entrance to the restricted area. The statute or ordinance shall exempt any building used for public housing by private persons, highway rest areas, firing ranges, and private dwellings owned, leased, or controlled by that unit of government from any restriction on the carrying or possession of deadly weapons. The statute, administrative regulation, or ordinance shall not specify any criminal penalty

for its violation but may specify that persons violating the statute or ordinance may be denied entrance to the building, ordered to leave the building, and if employees of the unit of government, be subject to employee disciplinary measures for violation of the provisions of the statute or ordinance. The provisions of this section shall not be deemed to be a violation of KRS 65.870 if the requirements of this section are followed. The provisions of this section shall not apply to any other unit of government.

(3) Unless otherwise specifically provided by the Kentucky Revised Statutes or applicable federal law, no criminal penalty shall attach to carrying a concealed firearm or other deadly weapon with a permit at any location at which an unconcealed firearm or other deadly weapon may be constitutionally carried.

Section 4. KRS 527.020 is amended to read as follows:

(1) A person is guilty of carrying a concealed weapon when he carries concealed a firearm or other deadly weapon on or about his person.

(2) Peace officers, when necessary for their protection in the discharge of their official duties; United States mail carriers when actually engaged in their duties; and agents and messengers of express companies, when necessary for their protection in the discharge of their official duties, may carry concealed weapons on or about their person.

(3) Policemen directly employed by state, county, city, or urban-county governments may carry concealed deadly weapons on or about their person at all times within the Commonwealth of Kentucky, when expressly authorized to do so by the government employing the officer.

(4) Persons, except those specified in subsection (5) of this section, licensed to carry a concealed deadly weapon pursuant to KRS 237.110 may carry a firearm or other concealed deadly weapon on or about their persons at all times within the Commonwealth of Kentucky, if the firearm or concealed deadly weapon is carried in conformity with the requirements of that section. Unless otherwise specifically provided by the Kentucky Revised Statutes or applicable federal law, no criminal penalty shall attach to carrying a concealed firearm or other deadly weapon with a permit at any location at which an unconcealed firearm or other deadly weapon may be constitutionally carried. No person or organization, public or private, shall prohibit a person licensed to carry a concealed deadly weapon from possessing a firearm, ammunition, or both, or other deadly weapon in his or her vehicle in compliance with the provisions of KRS 237.110 and 237.115. Any attempt by a person or organization, public or private, to violate the provisions of this subsection may be the subject of an action for appropriate relief or for damages in a Circuit Court or District Court of competent jurisdiction.

(5) ***(a)*** The following persons, if they hold a license to carry a concealed deadly weapon pursuant to KRS 237.110, may carry a firearm or other concealed deadly weapon on or about their persons at all times and at all locations within the Commonwealth of Kentucky, without ***any*** limitation ***other than as provided in this subsection***:

1.[~~(a)~~] A Commonwealth's attorney or assistant Commonwealth's attorney;

2.[~~(b)~~] A county attorney or assistant county attorney;

3.[~~(c)~~] A justice or judge of the Court of Justice; and

4.[~~(d)~~] A retired or senior status justice or judge of the Court of Justice.

(b) The provisions of this subsection shall not authorize a person specified in this subsection to carry a concealed deadly weapon in a detention facility as defined in KRS 520.010 or on the premises of a detention facility without the permission of the warden, jailer, or other person in charge of the facility, or the permission of a person authorized by the warden, jailer, or other person in charge of the detention facility to give such permission. As used in this section, detention facility does not include courtrooms, facilities, or other premises used by the Court of Justice or administered by the Administrative Office of the Courts.

(c) A person specified in this section who is issued a concealed deadly weapon license shall be issued a license which bears on its face the statement that it is valid at all locations within the Commonwealth of Kentucky and may have such other identifying characteristics as determined by the Department of State Police.

(6) ***(a) Except provided in this subsection,*** the following persons may carry concealed deadly weapons on or about their person at all times and at all locations within the Commonwealth of Kentucky:

1.[~~(a)~~] An elected sheriff and full-time and part-time deputy sheriffs certified pursuant to KRS 15.380 to 15.404 when expressly authorized to do so by the unit of government employing the officer;

2.[~~(b)~~] An elected jailer and a deputy jailer who has successfully completed Department of Corrections basic training and maintains his or her current in-service training when expressly authorized to do so by the jailer; ***and***

3.[~~(c)~~] The department head or any employee of a corrections department in any jurisdiction where the office of elected jailer has been merged with the office of sheriff who has successfully completed Department of Corrections basic training and maintains his or her current in-service training when expressly authorized to do so by the unit of government by which he or she is employed***.***[~~;~~]

(b) The provisions of this subsection shall not authorize a person specified in this subsection to carry a concealed deadly weapon in a detention facility as defined in KRS 520.010 or on the premises of a detention facility without the permission of the warden, jailer, or other person in charge of the facility, or the permission of a

person authorized by the warden, jailer, or other person in charge of the detention facility to give such permission. As used in this section, detention facility does not include courtrooms, facilities, or other premises used by the Court of Justice or administered by the Administrative Office of the Courts.

(7) *(a)* A full-time paid peace officer of a government agency from another state or territory of the United States or an elected sheriff from another territory of the United States may carry a concealed deadly weapon in Kentucky, on or off duty, if the other state or territory accords a Kentucky full-time paid peace officer and a Kentucky elected sheriff the same rights by law. If the other state or territory limits a Kentucky full-time paid peace officer or elected sheriff to carrying a concealed deadly weapon while on duty, then that same restriction shall apply to a full-time paid peace officer or elected sheriff from that state or territory.

(b) The provisions of this subsection shall not authorize a person specified in this subsection to carry a concealed deadly weapon in a detention facility as defined in KRS 520.010 or on the premises of a detention facility without the permission of the warden, jailer, or other person in charge of the facility, or the permission of a person authorized by the warden, jailer, or other person in charge of the detention facility to give such permission. As used in this section, detention facility does not include courtrooms, facilities, or other premises used by the Court of Justice or administered by the Administrative Office of the Courts.

(8) A firearm or other deadly weapon shall not be deemed concealed on or about the person if it is located in a glove compartment, regularly installed in a motor vehicle by its manufacturer, regardless of whether said compartment is locked, unlocked, or does not have a locking mechanism. No person or organization, public or private, shall prohibit a person from keeping a firearm or ammunition, or both, or other deadly weapon in a glove compartment of a vehicle in accordance with the provisions of this subsection. Any attempt by a person or organization, public or private, to violate the provisions of this subsection may be the subject of an action for appropriate relief or for damages in a Circuit Court or District Court of competent jurisdiction.

(9) Carrying a concealed weapon is a Class A misdemeanor, unless the defendant has been previously convicted of a felony in which a deadly weapon was possessed, used, or displayed, in which case it is a Class D felony.".

House Floor Amendment No. 1 to **SB 95**, by Representative Riggs:

SB 95, On page 1, line 6 after the word "*locate.*" by adding "*This section shall not prohibit local jurisdictions from subjecting the businesses of federally licensed firearms manufacturers, importers, and dealers to the same restrictions related to the exterior appearance of the property and number of paid employees applied to other commercial uses in residential zones. No restrictions shall be enacted that could be reasonably construed to solely affect federally licensed firearms manufacturers, importers, or dealers.*".

House Floor Amendment No. 7 to the House Committee Substitute to **SB 245**, by Representative Hall:

SB 245, On page 1, line 23, following "*marriage in Kentucky.*" to insert the following: "*A legal status identical or substantially similar to that of marriage for unmarried individuals shall not be valid or recognized.*".

House Floor Amendment No. 5 to **SB 64**, by Representative Jenkins:

SB 64, On page 3, after line 5, insert the following:

"SECTION 3. A NEW SECTION OF KRS CHAPTER 441 IS CREATED TO READ AS FOLLOWS:

The jailer or the person in charge of the local or regional detention facility shall transport all misdemeanant prisoners to court appearances within the Commonwealth.".

House Floor Amendment No. 1 to the House Committee Substitute to **SB 228**, by Representative Moberly:

SB 228, On page 1, by deleting lines 3 through 24 in their entirety and inserting in lieu thereof the following:

"*(1) As used in Sections 1 to 3 of this Act:*

(a) "Agency" means an organizational unit or administrative body in the executive branch of state government as defined in KRS 12.010;

(b) "Cabinet" means the Revenue Cabinet;

(c) "Court of Justice" means the Administrative Office of the Courts, all courts, and all clerks of the courts

(d) "Improper payment" means a payment made to a vendor, provider, or recipient due to error, fraud, or abuse; and

(e) "Debt" means:

1. A sum certain which has been certified by an agency as due and owing; and

2. For the Court of Justice, "debt" means a legal debt, including any fine, fee, court costs, or restitution due the Commonwealth, which have been imposed by a final sentence of a trial court of the Commonwealth and for which the time permitted for payment pursuant to the provisions of KRS 23A.205(3) or 24A.175(4) has expired.

(2) The Finance and Administration Cabinet shall develop for the executive branch of state government a system of internal controls and preaudit policies and procedures applicable to disbursement transactions for the purpose of prevention and detection of errors or fraud and abuse prior to the issuance of a check or warrant. The initial policies and procedures shall be established and implemented no later than October 1, 2004, and shall focus first on programs or activities that expend the most federal and general fund dollars. The Finance and Administration Cabinet shall develop preaudit procedures that meet the unique needs of each agency.

(3) In establishing these systems of internal control and preaudit policies and procedures, the Finance and Administration Cabinet shall:

(a) Consult with each agency within the executive branch to ascertain its unique fraud risks;

(b) Establish policies and procedures for agency-level oversight of fraud risks, including risk assessment, risk tolerance, and management policies, and fraud-prevention processing controls;

(c) Establish systems and procedures for detecting both unintentional errors and fraudulent misrepresentations that may have occurred in vendor invoices submitted for payment, applications submitted for benefits, claims for refunds of amounts previously paid or withheld, and other disbursements;

(d) Establish systems and procedures for preventing and detecting unintentional errors and the fraudulent disbursement of funds by state government employees in the processing, approving and paying of invoices, refunds, vouchers, benefit payments and other disbursements; and

(e) Consult with the state Auditor of Public Accounts, the Governor's Office for Technology, the American Institute of Certified Public Accountants, the Association of Certified Fraud Examiners, law enforcement agencies, or any other entity with knowledge and expertise in the detection and prevention of fraud."; and

On page 1, line 25, by deleting "***(3)***" and inserting in lieu thereof "***(4)***"; and

On page 1, line 25, by deleting "***cabinet***" and inserting in lieu thereof "***agency***"; and

On page 2, line 1, by deleting "***ninety (90)***" and inserting in lieu thereof "***sixty (60)***"; and

On page 2, line 3, by deleting "***ninety (90)***" and inserting in lieu thereof "***sixty (60)***"; and

On page 2, line 3, by deleting "***cabinet***" and inserting in lieu thereof "***agency***"; and

On page 2, line 4, by deleting "***cabinet***" and inserting in lieu thereof "***agency***"; and

On page 2, line 4 by deleting "***Finance and Administration***"; and

On page 2, by deleting lines 5 and 6 in their entirety and inserting in lieu thereof "***cabinet***"; and

On page 2, line 7, by deleting "***(4)***" and inserting in lieu thereof "***(5)***"; and

On page 2, line 7, by deleting "***a cabinet***" and inserting in lieu thereof "***an agency***"; and

On page 2, line 7, by deleting "***ninety (90)***" and inserting in lieu thereof "***sixty (60)***"; and

On page 2, line 8, by deleting "***(3)***" and inserting in lieu thereof "***(4)***"; and

On page 2, lines 8 and 9, by deleting "***Finance and Administration***"; and

On page 2, line 11, by deleting "***(5)***" and inserting in lieu thereof "***(6)***"; and

On page 2, line 11, by deleting "***cabinet***" and inserting in lieu thereof "***agency***"; and

On page 2, line 11, by deleting "***monthly***" and inserting in lieu thereof "***annual***"; and

On page 2, lines 12 and 13, by deleting "***Finance and Administration***"; and

On page 2, lines 13 and 14 by deleting "***for referral to the co-chairs of the Interim Joint Committee on Appropriations and Revenue***"; and

On page 2, line 16, by deleting "***cabinet***" and inserting in lieu thereof "***agency***"; and

On page 2, lines 17 and 18, by deleting "***Section 1 of this Act***" and inserting in lieu thereof "***this section***"; and

On page 2, line 20, by deleting "***cabinet***" and inserting in lieu thereof "***agency***"; and

On page 2, line 21, by deleting "***ninety (90)***" and inserting in lieu thereof "***sixty (60)***"; and

On page 2, line 21, by deleting "***(3)***" and inserting in lieu thereof "***(4)***"; and

On page 2, line 23, by deleting "***cabinet***" and inserting in lieu thereof "***agency***"; and

On page 2, line 24, by deleting "***Finance and Administration***"; and

On page 2, line 25, by deleting "***(6)***" and inserting in lieu thereof "***(7)***"; and

On page 2, line 25, by deleting "***cabinet***" and inserting in lieu thereof "***agency***"; and

On page 3, by deleting lines 3 through 15 in their entirety and inserting in lieu thereof the following:

"*(1) Debts that are certified by an agency as provided in Section 1 of this Act shall be referred to the cabinet for collection. The cabinet shall be vested with all the powers necessary to collect any referred debts.*"; and

On page 3, line 16, by deleting "*(c)*" and inserting in lieu thereof "*(2)*"; and

On page 3, line 17, by deleting "*collections unit*" and inserting in lieu thereof "*cabinet*"; and

On page 3, line 20, by deleting "*(3)*" and inserting in lieu thereof "*(6)*"; and

On page 3, line 21, by deleting "*(d)*" and inserting in lieu thereof "*(3)*"; and

On page 3, lines 21 and 22, by deleting *Finance and Administration Cabinet after the ninety (90)*" and inserting in lieu thereof "*cabinet after the sixty (60)*"; and

On page 3, line 22, by deleting "*(3)*" and inserting in lieu thereof "*(4)*"; and

On page 3, line 26, by deleting "*Finance and Administration*"; and

On page 4, line 3, by deleting "*(e)*" and inserting in lieu thereof "*(4)*"; and

On page 4, line 3, by deleting "*Finance and Administration*"; and

On page 4, line 7, by deleting "*(2)*" and inserting in lieu thereof "*(5)*"; and

On page 4, line 7, by deleting "*Finance and Administration*"; and

On page 4, line 19, by deleting "*(3)*" and inserting in lieu thereof "*(6)*"; and

On page 4, line 19, by deleting "*Finance and Administration*"; and

On page 4, line 21, by deleting "*cabinets*" and inserting in lieu thereof "*agencies*"; and

On page 4, by deleting lines 24 through 27 in their entirety; and

On page 5, by deleting lines 1 through 16 in their entirety and inserting in lieu thereof the following:

"*(1) The Court of Justice shall initiate, by October 1, 2004, fully implement by October 1, 2005, and thereafter maintain a system for tracking and identifying debts.*

(2) The Court of Justice shall establish and operate a system for collecting debt.

(3) In establishing the systems required by this section, the Court of Justice shall consider technology that could assist in the accurate, timely, and efficient delivery of payments of debts.

(4) The Court of Justice, Justice Cabinet, and Revenue Cabinet shall collaborate to implement a system, if feasible, to identify and collect debts in existence prior to the implementation date of the system required by subsection (1) of this section. Confidential information shared among these entities to identify and collect debts shall not be divulged to any unauthorized person. Debts collected under this subsection shall be reported annually and designated separately as part of the report required pursuant to Section 2 of this Act beginning on October 1, 2005, and ending with the report filed on or before October 1, 2009."; and

On page 6, by deleting lines 1 though 4 in their entirety and inserting in lieu thereof the following"

"*(3) Each agency and the Court of Justice shall provide information to the State Treasurer concerning any debt referred to the Revenue Cabinet for collection under Section 1 of this Act.*"; and

On page 6, line 8, by deleting "*ninety (90)*" and inserting in lieu thereof "*sixty (60)*"; and

On page 6, line 20, by deleting "*ninety (90)*" and inserting in lieu thereof "*sixty (60)*"; and

On page 6, line 24, by deleting "*Finance and Administration*" and insert in lieu thereof "*Revenue*".

House Floor Amendment No. 11 to the House Committee Substitute to **SB 106**, by Representative Barrows:

SB 106, On page 4, after line 7, by inserting the following:

"SECTION 5. A NEW SECTION OF KRS CHAPTER 186 IS CREATED TO READ AS FOLLOWS:

(1) As used in this section:

(a) "Big Brothers and Big Sisters" means a nonprofit charitable organization exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code that has as its mission to make a positive difference in the lives of children and youth, primarily through a professionally supported one-to-one relationship with a caring adult, and to assist children and youth in achieving their highest potential as they grow to become responsible men and women by providing committed volunteers, leadership, and standards of excellence; and

(b) "Executive Directors Association" means the Executive Directors Association of Big Brothers and Big Sisters of Kentucky.

(2) The Executive Directors Association may apply to the Transportation Cabinet to produce a special Big Brothers Big Sisters license plate after the Executive Directors Association collects a minimum of nine hundred (900) applications with each application being accompanied by a twenty-five dollar ($25) state fee. The applications and accompanying

fees shall be submitted to the cabinet at one (1) time as a group and shall not be submitted individually or intermittently. After the minimum number of applications and accompanying state fee have been submitted to the Transportation Cabinet, the cabinet shall begin designing and printing special Big Brothers Big Sisters license plates. If the Executive Directors Association does not submit the minimum number of nine hundred (900) applications to the cabinet within a year of the effective date of this Act, this section shall expire.

(3) *A Big Brothers Big Sisters license plate shall be the color and design selected by the Executive Directors Association and approved by the Transportation Cabinet. The name "Kentucky", an annual renewal decal, and any combination of letters or numerals required by the cabinet in the design shall appear on the plate.*

(4) *After the Big Brothers Big Sisters license plate has been printed, the nine hundred (900) individuals who applied for the plate under subsection (2) of this section shall be notified to pick up his or her license plate at the office of the county clerk in the county where the person lives and shall be required to pay the county clerk a fee of three dollars ($3) when picking up the plate.*

(5) *The owner or lessee of a motor vehicle registered under the provisions of KRS 186.050(1) or (3)(a) who was not one of the original nine hundred (900) applicants for a Big Brothers Big Sisters license plate may apply for a Big Brothers Big Sisters license plate in the office of the county clerk in the county where the person lives.*

(6) *Each initial applicant for a Big Brothers Big Sisters license plate shall pay a total fee of twenty-eight dollars ($28) of which the state shall receive a fee of twenty-five dollars ($25) that includes the fee to reflectorize the license plate under KRS 186.240, and the county clerk shall receive a fee of three dollars ($3). Each applicant applying to renew a Big Brothers Big Sisters license plate shall pay a total fee of fifteen dollars ($15) of which the state shall receive a fee of twelve dollars ($12) that includes the fee to reflectorize the license plate under KRS 186.240, and the county clerk shall receive a fee of three dollars ($3).*

(7) *An initial applicant or an applicant renewing his or her registration for a Big Brothers Big Sisters license plate may, at the time of application, make a voluntary contribution of fifteen dollars ($15) that the county clerk shall remit quarterly to the Executive Directors Association, or its successor organization, to be used as established in subsection (8) of this section.*

(8) *All funds received by the Executive Directors Association under subsection (7) of this section shall be deposited into an account separate from all other Executive Directors Association accounts, and the account shall be audited yearly at the expense of the Executive Directors Association. The completed audit shall be forwarded to the Transportation Cabinet in Frankfort. One hundred percent (100%) of the funds received by the Executive Directors Association under subsection (7) of this section shall be used to support the mission of Big Brothers and Big Sisters, but funds received under this section shall not be used to support personnel costs or administrative costs of any Big Brothers and Big Sisters organization.*

(9) *An actual Big Brothers Big Sisters license plate shall be issued on the same schedule as regular license plates are issued under KRS 186.240. The cabinet shall have the discretion to extend the time period that will exist between the date an actual license plate is issued and its being replaced. A renewal registration decal shall be issued all other years during the owner's or lessee's birth month. A person seeking a Big Brothers Big Sisters license plate for a vehicle provided as part of the person's occupation shall conform to the requirements of KRS 186.050(14).*

(10) *A Big Brothers Big Sisters license plate shall be replaced free of charge if the metal plate is destroyed in an accident, deteriorates to a point that the lettering, numbering, or images on the face of the plate are not legible, or the plate is stolen, if the owner or lessee has not transferred the vehicle to which the plate was issued during the current licensing period.*

(11) *Upon the sale, transfer, or termination of a lease of a vehicle licensed under this section, the owner or lessee shall remove the Big Brothers Big Sisters license plate and return it and the certificate of registration to the county clerk. The county clerk shall reissue the owner or lessee a regular license plate and certificate of registration upon payment of a three dollar ($3) county clerk fee. If the owner or lessee requests, the county clerk shall reissue the Big Brothers Big Sisters license plate free of charge for use on any other vehicle of the same classification and category owned by the person during the current licensing period. If the owner or lessee has the Big Brothers Big Sisters license plate reissued to another vehicle, the regular license plate that is being replaced shall be returned to the county clerk who shall forward the plate to the Transportation Cabinet.*".

House Floor Amendment No. 12 to the House Committee Substitute to **SB 106**, by Representative Damron:

SB 106, On page 2, between lines 15 and 16, insert the following new section:

"Section 2. KRS 183.861 is amended to read as follows:

(1) There is hereby created and established within the cabinet, a commission to be known as the "Kentucky Airport Zoning Commission" which, notwithstanding the provisions of KRS Chapters 100 and 147, shall be empowered to issue orders, rules, and regulations pertaining to use of land within and around *the facilities identified in subsection (2) of this section*[~~all military and public use airports, heliports, and sea plane bases within the state~~] as will promote the public interest and protect and encourage the proper use of the airports and their facilities.

(2) The commission shall have jurisdiction over land use issues around the following facilities:

(a) All military airports in the Commonwealth;

(b) All public use airports, heliports, and sea plane bases in the Commonwealth; and

(c) All state licensed, private use airports which have a paved runway in excess of two thousand nine hundred (2,900) feet."; and

On page 2, line 16, renumber "Section 2" as "Section 3"; and

On page 2, line 21, renumber "Section 3" as "Section 4"; and

On page 2, line 27, renumber "Section 4" as "Section 5".

House Floor Amendment No. 13 to the House Committee Substitute to **SB 106**, by Representative Damron:

SB 106, On page 2, between lines 15 and 16, add the following new sections:

"Section 2. KRS 36.400 is amended to read as follows:

As used in KRS 36.400 to 36.425, unless the context otherwise requires:

(1) "Division of Air Transport" includes the ***General John Russell Groves*** Capital City Airport;

(2) "State aircraft" means aircraft owned by the Commonwealth, leased by the Commonwealth, or otherwise under the control of the Commonwealth and administratively assigned to the Division of Air Transport. It shall also include air charters by the division. However, this shall not include or apply to any and all aircraft assigned to, owned, leased, operated, or controlled by the Department of State Police, or otherwise under the control or direction of the Department of State Police. The operation, maintenance, scheduling, and care of Department of State Police aircraft shall not be included under or affected by KRS 36.400 to 36.425; and

(3) "Official business" means any activity involving travel in a state aircraft if the activity is reasonably required, expected, or appropriate, considering the nature of the using public official's job responsibilities. The activities shall include, but not be limited to, attendance by officials at nonpartisan ceremonial functions and events where their appearance is normally expected by virtue of their office or where official representation of the Commonwealth is otherwise appropriate, and to nonpolitical flights by the Governor and members of his immediate family when accompanying or representing him.

Section 3. KRS 36.405 is amended to read as follows:

(1) The Adjutant General of Kentucky, as executive head of the Department of Military Affairs, shall be responsible for overall policy development and supervision of the Division of Air Transport and ***General John Russell Groves*** Capital City Airport.

(2) A division director shall head the Division of Air Transport within the Department of Military Affairs.

(3) The division director shall be responsible for the management and administration of the Division of Air Transport and the ***General John Russell Groves*** Capital City Airport.

Section 4. KRS 36.410 is amended to read as follows:

(1) The functions of the Division of Air Transport shall be to:

(a) Manage and operate the ***General John Russell Groves*** Capital City Airport;

(b) Oversee the maintenance and care of all state aircraft;

(c) Control the scheduling and operational use of state aircraft, including air charters; and

(d) Collect from using agencies and officers the costs of operating state aircraft, including air charters.

(2) Subject to the approval of the Adjutant General and in accordance with applicable state and federal statutes and regulations, the division shall promulgate administrative regulations under KRS Chapter 13A to:

(a) Establish user fees to be paid by users of the services and facilities of the ***General John Russell Groves*** Capital City Airport for charges including, but not limited to, hangar fees, tie-down fees, fuel, and aircraft supplies; and

(b) Establish fees for the usage of state aircraft."; and

On page 2, line 16, renumber "Section 2" as "Section 5"; and

On page 2, line 21, renumber "Section 3" as "Section 5"; and

On page 2, line 27, renumber "Section 4" as "Section 7".

House Floor Amendment No. 8 to the House Committee to **SB 245**, by Representative Hoover:

SB 245, On page 1, line 23, after "***Kentucky.***", by inserting "***A legal status identical or substantially similar to that of marriage for unmarried individuals shall not be valid or recognized.***".

House Floor Amendment No. 9 to the House Committee Substitute to **SB 245**, by Representative Hoover:

SB 245, By deleting everything after the enacting clause and inserting in lieu thereof the following:

"SECTION 1. IT IS PROPOSED THAT A NEW SECTION BE ADDED TO THE CONSTITUTION OF KENTUCKY TO BE NUMBERED 233A AND TO READ AS FOLLOWS:

Only a marriage between one man and one woman shall be valid or recognized as a marriage in Kentucky. A legal status identical or substantially similar to that of marriage for unmarried individuals shall not be valid or recognized.

Section 2. This amendment shall be submitted to the voters of the Commonwealth for their ratification or rejection at the time and in the manner provided for under Sections 256 and 257 of the Constitution and under KRS 118.415. The question to be presented to the voters shall read as follows: "Are you in favor of amending the Kentucky Constitution to provide that only a marriage between one man and one woman shall be a marriage in Kentucky, and that a legal status identical to or similar to marriage for unmarried individuals shall not be valid or recognized?".

House Floor Amendment No. 14 to the House Committee Substitute to **SB 106**, by Representative Hoffman:

SB 106, On page 3, after line 7, by inserting the following:

"SECTION 5. A NEW SECTION OF KRS CHAPTER 186 IS CREATED TO READ AS FOLLOWS:

(1) As used in this section, "KQHA" means the Kentucky Quarter Horse Association, which is a nonprofit charitable organization exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code

(2) The KQHA may apply to the Transportation Cabinet to produce a special Quarter Horse Association license plate after the KQHA collects a minimum of nine hundred (900) applications with each application being accompanied by a twenty-five dollar ($25) state fee. The applications and accompanying fees shall be submitted to the cabinet at one (1) time as a group and shall not be submitted individually or intermittently. After the minimum number of applications and accompanying state fee have been submitted to the Transportation Cabinet, the cabinet shall begin designing and printing special Quarter Horse Association license plates. If the KQHA does not submit the minimum number of nine hundred (900) applications to the cabinet within a year of the effective date of this Act, this section shall expire.

(3) A Quarter Horse Association license plate shall be the color and design selected by the KQHA and approved by the Transportation Cabinet. The name "Kentucky," an annual renewal decal, and any combination of letters or numerals required by the cabinet in the design shall appear on the plate.

(4) After the Quarter Horse Association license plate has been printed, each of the nine hundred (900) individuals who applied for the plate under subsection (2) of this section shall be notified to pick up his or her license plate at the office of the county clerk in the county where the person lives and shall be required to pay the county clerk a fee of three dollars ($3) when picking up the plate.

(5) The owner or lessee of a motor vehicle registered under the provisions of KRS 186.050(1) or (3)(a) who was not one (1) of the original nine hundred (900) applicants for a Quarter Horse Association license plate may apply for a Quarter Horse Association license plate in the office of the county clerk in the county where the person lives.

(6) Each initial applicant for a Quarter Horse Association license plate shall pay a total fee of twenty-eight dollars ($28), of which the state shall receive a fee of twenty-five dollars ($25) that includes the fee to reflectorize the license plate under KRS 186.240, and the county clerk shall receive a fee of three dollars ($3). Each applicant applying to renew a Quarter Horse Association license plate shall pay a total fee of fifteen dollars ($15), of which the state shall receive a fee of twelve dollars ($12) that includes the fee to reflectorize the license plate under KRS 186.240, and the county clerk shall receive a fee of three dollars ($3).

(7) An initial applicant or an applicant renewing registration for a Quarter Horse Association license plate may, at the time of application, make a voluntary contribution of ten dollars ($10) that the county clerk shall remit quarterly to the KQHA, to be used as established in subsection (8) of this section.

(8) All funds received by the KQHA under subsection (7) of this section shall be deposited into an account separate from all other KQHA accounts and the account shall be audited yearly at the expense of the KQHA. The completed audit shall be forwarded to the Transportation Cabinet in Frankfort. One hundred percent (100%) of the funds received by the KQHA under subsection (7) of this section shall be used for the KQHA's youth equine education program providing riding scholarships for Kentucky children.

(9) An actual Quarter Horse Association license plate shall be issued on the same schedule as regular license plates are issued under KRS 186.240. The cabinet shall have the discretion to extend the time period that will exist between the date an actual license plate is issued under this subsection and the date the plate is replaced. A renewal registration decal shall be issued all other years during the owner's or lessee's birth month. A person seeking a Quarter Horse Association license plate for a vehicle provided as part of the person's occupation shall conform to the requirements of KRS 186.050(14).

(10) A Quarter Horse Association license plate shall be replaced free of charge if the metal plate is destroyed in an accident, deteriorates to a point that the lettering, numbering, or images on the face of the plate are not legible, or the plate is stolen, if the owner or lessee has not transferred the vehicle to which the plate was issued during the current licensing

period.

(11) Upon the sale, transfer, or termination of a lease of a vehicle licensed under this section, the owner or lessee shall remove the Quarter Horse Association license plate and return it and the certificate of registration to the county clerk. The county clerk shall reissue the owner or lessee a regular license plate and certificate of registration upon payment of a three dollar ($3) county clerk fee. If the owner or lessee requests, the county clerk shall reissue the Quarter Horse Association license plate free of charge for use on any other vehicle of the same classification and category owned by the person during the current licensing period. If the owner or lessee has the Quarter Horse Association license plate reissued to another vehicle, the regular license plate that is being replaced shall be returned to the county clerk who shall forward the plate to the Transportation Cabinet.".

House Floor Amendment No. 3 to the House Committee Substitute No. 2 to **SB 163**, by Representative Wayne:

SB 163, On page 2, line 10, after "***death***" by inserting "***or a term of imprisonment for life without benefit of probation or parole***".

House Floor Amendment No. 3 to the House Committee Substitute to **SB 60**, by Representative Coleman:

SB 60, On page 13, between lines 8 and 9, by inserting the following:

"Section 9. KRS 91A.392 is amended to read as follows:

(1) In addition to the three percent (3%) transient room tax authorized by KRS 91A.390 and the one percent (1%) transient room tax authorized by KRS 153.440, a consolidated local government***, a city of the first class, a city of the second class, a charter county government***, or the fiscal court in a county containing a city of the first or second class, except those counties that are included in a multicounty tourist and convention commission under KRS 91A.350, may levy an additional transient room tax not to exceed two percent (2%) of the rent for every occupancy of a suite, room, or rooms charged by all persons, companies, corporations, or other similar persons, groups, or organizations doing business as motor courts, motels, hotels, inns, or similar accommodations businesses.

(2) All money collected from the tax authorized by this section shall be applied toward the retirement of bonds issued pursuant to KRS 91A.390(8) to finance in part the expansion or construction or operation of a governmental or nonprofit convention center or fine arts center useful to the promotion of tourism located in the central business district of the consolidated local government or the city of the first or second class located in the county.

(3) After the retirement of the bonds provided for in this section, the additional transient room tax levied pursuant to this section shall be void, and the consolidated local government or fiscal court shall take action to repeal the ordinance which levied the tax."; and

On page 13, line 9, by deleting "9." and inserting "10." in lieu thereof.

House Floor Amendment No. 5 to **SB 150**, by Representative Coleman:

SB 150, On page 188, between lines 20 and 21, by inserting the following:

"Section 98. KRS 91A.392 is amended to read as follows:

(1) In addition to the three percent (3%) transient room tax authorized by KRS 91A.390 and the one percent (1%) transient room tax authorized by KRS 153.440, a consolidated local government***, a city of the first class, a city of the second class, a charter county government***, or the fiscal court in a county containing a city of the first or second class, except those counties that are included in a multicounty tourist and convention commission under KRS 91A.350, may levy an additional transient room tax not to exceed two percent (2%) of the rent for every occupancy of a suite, room, or rooms charged by all persons, companies, corporations, or other similar persons, groups, or organizations doing business as motor courts, motels, hotels, inns, or similar accommodations businesses.

(2) All money collected from the tax authorized by this section shall be applied toward the retirement of bonds issued pursuant to KRS 91A.390(8) to finance in part the expansion or construction or operation of a governmental or nonprofit convention center or fine arts center useful to the promotion of tourism located in the central business district of the consolidated local government or the city of the first or second class located in the county.

(3) After the retirement of the bonds provided for in this section, the additional transient room tax levied pursuant to this section shall be void, and the consolidated local government or fiscal court shall take action to repeal the ordinance which levied the tax."; and

By renumbering subsequent sections accordingly.

House Floor Amendment No. 3 Title to **SB 151**, by Representative Coleman:

SB 151, Amend tittle to read as follows: "AN ACT relating to government operations."

House Floor Amendment No. 4 to the House Committee Substitute to **SB 151**, by Representative Coleman:

SB 151, On page 245, after line 12, by inserting the following:

"Section 131. KRS 91A.392 is amended to read as follows:

(1) In addition to the three percent (3%) transient room tax authorized by KRS 91A.390 and the one percent (1%) transient room tax authorized by KRS 153.440, a consolidated local government***, a city of the first class, a city of the second class, a charter county government***, or the fiscal court in a county containing a city of the first or second class, except those counties that are included in a multicounty tourist and convention commission under KRS 91A.350, may levy an additional transient room tax not to exceed two percent (2%) of the rent for every occupancy of a suite, room, or rooms charged by all persons, companies, corporations, or other similar persons, groups, or organizations doing business as motor courts, motels, hotels, inns, or similar accommodations businesses.

(2) All money collected from the tax authorized by this section shall be applied toward the retirement of bonds issued pursuant to KRS 91A.390(8) to finance in part the expansion or construction or operation of a governmental or nonprofit convention center or fine arts center useful to the promotion of tourism located in the central business district of the consolidated local government or the city of the first or second class located in the county.

(3) After the retirement of the bonds provided for in this section, the additional transient room tax levied pursuant to this section shall be void, and the consolidated local government or fiscal court shall take action to repeal the ordinance which levied the tax.".; and

By renumbering subsequent sections accordingly.

House Floor Amendment No. 4 to SB 95, by Representative Palumbo:

SB 95, On Page 1, line 6, after "*locate.*" by inserting and underlining "***This section shall not apply to those zones which have been designated by a planning unit as residential or to a zone in which the proposed location of the firearms manufacturing, firearms importing, or firearms retailing business is located within a one (1) mile radius of a school, hospital, day care facility, or mental health care facility.***".

House Floor Amendment No. 3 to **SJR 83**, by Representative Yonts:

SJR 83, On page 2, between lines 2 and 3, by inserting the following:

"Section 2. Muhlenberg County is designated as the birthplace of the thumb-picking style of guitar playing."; and

On page 2, line 3, by changing "Section 2." to "Section 3.".

House Floor Amendment No. 1 to the House Committee Substitute to **SB 152**, by Representative Geveden:

SB 152, On page 592, line 13, after the first occurrence of the phrase "secretary of the" by deleting "***secretary of the***".

House Floor Amendment No. 6 to the House Committee Substitute to **SB 154**, by Representative Coleman:

SB 154, On page 76, between lines 13 and 14, by inserting the following:

"SECTION 36. A NEW SECTION OF KRS CHAPTER 242 IS CREATED TO READ AS FOLLOWS:

(1) The Department of Alcoholic Beverage Control shall provide input to the State Board of Elections in establishing procedures governing local option elections. The regulations shall be consistent with the provisions of KRS Chapter 242.

(2) For purposes of a local option election that is held on the primary election day, no local option election shall be held in the same territory sooner than the first Tuesday after the third Monday in May of the third succeeding year.

(3) For purposes of a local option election that is held on the general election day, no local option election shall be held in the same territory sooner than the first Tuesday after the first Monday in November of the third succeeding year."; and

By renumbering subsequent sections accordingly.

House Floor Amendment No. 1 to **SB 209**, by Representative Thomas:

SB 209, On page 2, after line 7, by inserting:

"SECTION 3. A NEW SECTION OF KRS CHAPTER 246 IS CREATED TO READ AS FOLLOWS:

(1) No person shall tamper with any livestock.

(2) No person shall sabotage any livestock exhibited at an exhibition.

(3) This section shall not apply to:

(a) Any action taken or activity performed or administered by a licensed veterinarian or in accordance with instructions of a licensed veterinarian if the action or activity was undertaken for accepted medical purposes during the course of a valid veterinarian-client-patient relationship; or

(b) Generally accepted grooming, commercial, or medical practices that are not prohibited by any provision of the Kentucky Revised Statutes or any administrative regulation promulgated thereunder.

(4) As used in this section:

(a) "Tamper" means any of the following:

1. Treatment of livestock in such a manner that food derived from the livestock would be considered adulterated as defined in KRS 217.025;

2. The injection, use, or administration of any drug that is prohibited under any federal law or law of this state, or any drug that is used in any manner that is not authorized under any federal law or law of this state. Whenever the commissioner of the United States Food and Drug Administration or the secretary of the United States Department of Agriculture, pursuant to the federal Food, Drug, and Cosmetic Act, as amended, or federal Virus-Serum-Toxin Act, as amended, approves, disapproves, or modifies the conditions of the approved use of a drug, the approval, disapproval, or modification shall automatically be effective for the purposes of this section unless the Kentucky Department of Agriculture adopts an administrative regulation to alter, for the purposes of the section, the action taken by the commissioner or secretary. The Kentucky Department of Agriculture may adopt an administrative regulation if the department considers it to be necessary or appropriate for the protection of food safety or the health, safety, or welfare of livestock or to prevent the use of a drug for the purpose of concealing, enhancing, transforming, or changing the true conformation, configuration, or condition of livestock. No administrative regulation shall authorize the use of any drug the use of which is prohibited by, or authorize the use of any drug in a manner not authorized by, the commissioner or secretary under either of those acts;

3. The injection or other internal or external administration of any product or material, whether gas, solid, or liquid, to livestock for the purpose of concealing, enhancing, transforming, or changing the true conformation, configuration, condition, or age of the livestock or making the livestock appear more sound than it actually is;

4. The use or administration, for cosmetic purposes, of steroids, growth stimulants, or internal artificial filling, including paraffin, silicone injection, or any other substance;

5. The use or administration of any drug or feed additive affecting the central nervous system of the livestock;

6. The use or administration of diuretics for cosmetic purposes; and

7. The surgical manipulation or removal or tissue so as to change, transform, or enhance the true conformation or configuration of, or to conceal the age of, the livestock.

(b) "Sabotage" means intentionally tampering with any livestock belonging to or owned by another person that has been registered, entered into, or exhibited in any exhibition, or raised with the apparent intent of being entered into an exhibition.

Section 4. KRS 246.990 is amended to read as follows:

(1) Any person who violates subsection (2) of KRS 246.210*,*~~[or]~~ subsection (2) of KRS 246.220*, or subsection (1) of Section 3 of this Act,* shall be fined not less than fifty dollars ($50) nor more than two hundred dollars ($200) for the first offense; he shall be fined not less than five hundred dollars ($500) nor more than one thousand dollars ($1,000) and be confined in the county jail for not less than sixty (60) days nor more than one hundred and twenty (120) days, for each subsequent offense.

(2) Any person who violates subsection (3) of KRS 246.220 shall be fined not less than five dollars ($5) nor more than one hundred dollars ($100) or be imprisoned for not more than ten (10) days, or both. Each day's hindering or refusal of access shall constitute a separate offense.

(3) Any person who violates subsection (4) of KRS 246.220 shall be fined not less than two dollars ($2) nor more than fifty dollars ($50).

(4) Any person who violates subsection (5) of KRS 246.220 shall be fined not less than twenty-five dollars ($25) nor more

than one hundred dollars ($100).

(5) Any person who violates subsection (6) of KRS 246.220 shall be fined not less than ten dollars ($10) nor more than fifty dollars ($50).

(6) Any person who violates subsection (7) of KRS 246.220 shall be fined not less than one hundred dollars ($100) nor more than five hundred dollars ($500), or imprisoned for not more than three (3) months, or both.

(7) Any owner or operator of a dairy plant who shall fail to comply with the provisions of KRS 246.240 or any part thereof shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than one hundred dollars ($100).

(8) Any person who violates any administrative regulation promulgated by the department under the provisions of KRS 246.660 shall have a civil fine imposed of not less than one hundred dollars ($100) nor more than five hundred dollars ($500).

(9) Any person who violates subsection (2) of Section 3 of this Act shall be disqualified from exhibiting at an exhibition for a first offense, and shall be disqualified for up to five (5) years for a second or subsequent offense.".

House Floor Amendment No. 15 to the House Committee Substitute to **SB 106**, by Representative Ballard:

SB 106, On page 3, after line 7, by inserting the following:

"Section 5. The Transportation Cabinet shall name the bridge on Kentucky Route 109 over the Trade Water River at mile marker 0.35 near the town of Dawson Springs the "Dudley Riley Bridge", and shall, within 30 days of the effective date of this Act, erect appropriate signs at each end of the bridge described in this section.".

House Floor Amendment No. 1 to **SJR 148**, by Representative Marzian:

SJR 148, On page 1, line 1, by deleting all language through page 3, line 5, and inserting the following in lieu thereof:

"Section 1. The Kentucky Commission on Services and Supports for Individuals with Mental Illness, Alcohol and Other Drug Abuse Disorders, and Dual Diagnoses shall establish a suicide prevention workgroup to develop recommendations and strategies to reduce suicide rates consistent with the goals of Healthy Kentuckians 2010. The workgroup shall be appointed by the co-chairs of the commission and shall include a representative of the Cabinet for Health Services' existing suicide prevention program, and may include representatives from state and regional mental health agencies, educational and correctional agencies, survivors of suicide and support group providers, crisis responders, emergency medical technicians and first responders, commission members, and others. The chairperson of the suicide prevention workgroup shall be a current member of the commission appointed by the co-chairs of the commission.

Section 2. The suicide prevention workgroup shall develop recommendations and strategies to coordinate suicide prevention and awareness efforts in the public and private sectors and to promote consistency of public health practices.

Section 3. The suicide prevention workgroup shall report to the Commission on Services and Supports for Individuals with Mental Illness, Alcohol and Other Drug Abuse Disorders, and Dual Diagnoses by July 1, 2005, and the commission shall include recommendations relating to suicide prevention in its 2005 annual report to the Governor and the Legislative Research Commission.".

House Floor Amendment No. 10 to the House Committee Substitute to **SB 245**, by Representative Bather:

SB 245, On page 1, at line 23, after the word "*Kentucky.*", by inserting the following:

"*Nothing in this section shall limit the ability of unmarried individuals to obtain legal rights, protections, or benefits, or to assume corresponding responsibilities, obligations, or duties.*".

House Floor Amendment No. 16 to the House Committee Substitute to **SB 106**, by Representative Nesler:

SB 106, On page 2, between lines 15 and 16, insert the following new section:

"SECTION 2. A NEW SECTION OF KRS CHAPTER 177 IS CREATED TO READ AS FOLLOWS:

(1) As used in this section:

(a) "Local government" means:

1. Any city organized and governed under KRS Chapter 83 or 83A;

2. Any urban-county government organized and governed under KRS Chapter 67A;

3. Any consolidated local government organized and governed under KRS Chapter 67C; and

4. All of Kentucky's one hundred twenty (120) counties; and

(b) "Motorcycle awareness signs" means signs that increase the awareness of the traveling public to the possible

presence of motorcycles and which are erected in the highway right-of-way of any highway that is part of the state primary road system established under KRS 177.020.

(2) All statutes to the contrary notwithstanding, the cabinet shall permit any local government, subject to the provisions of subsection (4) of this section, to erect motorcycle awareness signs.

(3) The cabinet may, in addition to authorizing a local government to erect motorcycle awareness signs, also erect motorcycle awareness signs.

(4) Any local government wanting to erect motorcycle awareness signs shall submit written notice to the cabinet. The notice shall identify the routes and the specific location on the routes where motorcycle awareness signs will be erected. If the cabinet determines that any location identified in the notice would pose a traffic safety hazard, the cabinet shall suggest an alternative location for the placement of the motorcycle awareness signs.

(5) The signs authorized to be erected under this section shall consist of two (2) signs. The upper sign shall be diamond shaped with a motorcyclist pictured on the sign. A second rectangular sign shall be placed directly below the diamond shaped sign and contain the words "Share the Road". The signs shall be fluorescent yellow-green in color and meet the standards for retroreflectivity and illumination established in the "Manual on Uniform Traffic Control Devices" published by the United States Department of Transportation, Federal Highway Administration."; and

On page 2, line 16, renumber "Section 2" as "Section 3"; and

On page 2, line 21, renumber "Section 3" as "Section 4"; and

On page 2, line 27, renumber "Section 4" as "Section 5".

House Floor Amendment No. 11 to the House Committee Substitute to **SB 245**, by Representative Bather:

SB 245, On page 1, at lines 22 and 23, by deleting those lines in their entirety.

House Floor Amendment No. 7 Title to **SB 154**, by Representative Coleman:

SB 154, Amend title to read as follows: "AN ACT relating to governmental operations.".

House Floor Amendment No. 1 to **SB 139**, by Representative Geveden:

SB 139, On page 1, line 1, by deleting Section 1 in its entirety and inserting the following in lieu thereof:

"Section 1. KRS 67A.345 is amended to read as follows:

(1) All members of the policemen's and firefighters' retirement fund of the urban-county government, operated pursuant to KRS 67A.360 to 67A.690, and all members of the urban-county government city employees pension fund who retired prior to July 1, 1999, and who did not terminate their participation in the group health insurance plan provided by the urban-county government before that date, and all members who retire on or after July 1, 1999, or who *prior to September 18, 2002, withdrew*[~~withdraw~~] from service on a certificate pursuant to KRS 67A.410(2), shall continue to be eligible to participate, at the member's cost, in a group health insurance plan approved by the urban-county council for such retirees.

(2) The urban-county government shall provide, on behalf of all eligible members of the policemen's and firefighters' retirement fund and city employees pension, the following benefits:

   (a) A sum equal to the single premium for the plan coverage selected by the retiree, but not more than one hundred percent (100%) of the urban-county government's contribution to the health insurance component of the benefit pool for current urban-county government employees; and

   (b) Upon the death of a member of the policemen's and firefighters' retirement fund due to occupational causes, the urban-county government shall pay to the approved provider of the group health insurance plan one hundred percent (100%) of the cost of the family medical coverage for the member's surviving spouse and dependent children as long as they remain eligible for a monthly retirement allowance from the retirement fund.

(3) No benefits shall be available under this section to retired members who were not, immediately prior to July 1, 1999, participants in the group health insurance plan coverage provided to urban-county government employees and retirees or who retire on or after July 1, 1999, and, at the time of their retirement, do not elect to participate in the group health insurance plan coverage provided pursuant to subsection (1) of this section.

(4) Benefits shall be available under this section to members of the policemen's and firefighters' retirement fund who withdraw from service on a certificate pursuant to KRS 67A.410(2) when they *retire on service as provided in Section 4 of this Act or* attain the age of forty-six (46) years if, at the time they withdraw from service, they elect to participate in the group health insurance plan coverage provided pursuant to subsection (1) of this section upon attaining age forty-six (46).

(5) All payments shall be made to the approved provider of the group health insurance plan, not to the retiree, and the retiree shall not be entitled to receive any portion of the government contribution remaining after payment is made to the approved provider.

(6) Group rates under the group health insurance plan approved by the urban-county council under subsection (1) of this section shall be made available to the spouse, dependents, and disabled children, regardless of the disabled child's age, of a qualified and participating retiree, if the premium for the spouse, dependent, or disabled child is paid by the retired member, spouse, dependent, or disabled child, by payroll deduction or similar method.";

On page 5, line 19, by deleting Section 4 in its entirety and inserting the following in lieu thereof:

"Section 2. KRS 67A.410 is amended to read as follows:

(1) Any member may, at his option, retire on a service retirement annuity upon or after attainment of the age of forty-six (46) years, if he shall have completed at least twenty (20) years of total service. Upon fulfillment of these terms, the board shall grant the retirement annuity upon receipt of the application of the member.

(2) Any member who withdraws from service prior to age forty-six (46) years after having completed at least twenty (20) years of total service, and who does not accept a refund of contributions, shall receive, upon application, a certificate entitling him to a service retirement annuity upon his attainment of age forty-six (46) and specifying the amount of the annuity earned and accrued at the date of withdrawal from service.

(3) Upon the death, prior to age forty-six (46), of a member holding a certificate granted pursuant to subsection (2) of this section, the surviving spouse shall receive an annuity equal to sixty percent (60%) of the annuity specified on the certificate, subject to the conditions and additional benefits found in KRS 67A.450(1)(a), 67A.450(1)(b), 67A.450(2), and 67A.450(3).

(4) The benefits provided in KRS 67A.600 and 67A.690 to an eligible member who retires or withdraws from service under the provisions of subsection (1) or (2) of this section after July 15, 1994, or to the member's surviving spouse or dependent children, shall be calculated when the member is retired for one (1) year or attains the age of forty-seven (47), whichever is later, or would have been retired for one (1) year or reached the age of forty-seven (47), whichever is later, if the member died before being retired one (1) year or reaching the age of forty-seven (47).

(5) ***Any member of the fund on the effective date of this Act shall be eligible***~~[On or before March 3, 2003, the board shall provide for a vote by the full active membership on a provision that would allow members]~~ to retire with full benefits after twenty (20) years of total service, regardless of age.~~[If a majority of the active membership voting votes in favor of a twenty (20) year service provision, the urban-county government, in coordination with the board, shall enact the twenty (20) year service provision within a period of six (6) months. Notwithstanding any statute to the contrary, any member retiring after the enactment of the twenty (20) year service provision, if enacted, shall be eligible to retire with twenty (20) years of service regardless of age.]~~;

On page 6, line 24, by deleting Section 5 in its entirety;

On page 7, line 12, by deleting Section 6 in its entirety;

On page 8, line 23, by deleting Section 7 in its entirety and inserting the following in lieu thereof:

"Section 3. KRS 67A.460 is amended to read as follows:

(1) If a total and permanent occupational disability occurs, the member shall receive an annuity calculated pursuant to subsection (2) of this section. This benefit shall begin at the time his salary ceases, and shall be paid during his entire lifetime. At the member's death, his eligible widow, if any, shall receive the benefits as provided under KRS 67A.492, and his minor children, if any, shall receive benefits as provided under KRS 67A.440.

(2) The minimum annuity rate for a total and permanent occupational disability shall be sixty percent (60%) of the member's last rate of salary. The minimum rate shall be increased by one half (1/2) of the amount by which the member's percentage of disability exceeds twenty percent (20%), but this increase shall be not more than fifteen percent (15%) of the member's last rate of salary and the member's total annuity shall not be greater than seventy-five percent (75%) of his last rate of salary.

(3) The member's percentage of disability shall be the average of the impairment rating determined by two (2) physicians selected by the board under KRS 67A.480, using the latest edition of the American Medical Association's "Guides to the Evaluation of Permanent Impairment".

(4) If a member is eligible for a service retirement annuity under KRS 67A.410(1)*,*~~[or]~~ (2)***, or (5)*** and the amount of his service retirement annuity would exceed the amount of his total and permanent occupational disability annuity, as determined by the board under this section, then the member may elect to receive an additional service retirement annuity payment equal to the amount by which his service retirement annuity would have exceeded the amount of his total and permanent occupational disability annuity, in addition to his disability annuity, by filing with the board the application required by KRS 67A.410. A member who is eligible for a certificate entitling him to a service retirement annuity under KRS 67A.410(2) shall not be eligible to receive this additional service retirement annuity payment until he attains the age of forty-six (46)."; and

On page 10, line 2, after "Section" by deleting "8" and inserting "6" in lieu thereof.

House Floor Amendment No. 9 to **SB 55**, by Representative De. Butler:

SB 55, On page 10, between lines 16 and 17, by inserting the following:

"SECTION 5. A NEW SECTION OF KRS CHAPTER 411 IS CREATED TO READ AS FOLLOWS:

(1) An employer who provides information about the job performance, professional conduct, or evaluation of a former or current employee to a prospective employer of that employee, at the request of that employee or prospective employer, shall be immune from civil liability arising out of the disclosure unless the plaintiff in the civil action proves:

(a) That the employer disclosed the information knowing that it was false, with reckless disregard of whether it was true or false, or with intent to mislead the prospective employer;

(b) That the information was provided in a negligent manner; or

(c) That the disclosure of the information by the employer constitutes an unlawful discriminatory practice under KRS Chapter 344.

(2) This section does not create a new cause of action or substantive legal right against an employer.

(3) This section does not limit an employer's immunity from civil liability or defenses established in another section of the Kentucky Revised Statutes or available at common law.

(4) This section shall prevail over any conflicting provision of Section 1 of House Bill 48 of the 2004 Regular Session of the General Assembly."; and

By renumbering the subsequent section accordingly; and

On page 10, line 18, by deleting "this Act takes" and inserting "Sections 1 to 4 of this Act take".

House Floor Amendment No. 1 to the House Committee Substitute to **SB 179**, by Representative Jenkins:

SB 179, On page 7, between lines 4 and 5, by inserting the following:

"SECTION 3. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO READ AS FOLLOWS:

(1) For purposes of this section and Section 5 of this Act, unless the context requires otherwise:

(a) "Competitive food" means any food or beverage item sold to children during the school day until thirty (30) minutes after the close of the last lunch period;

(b) "Healthy beverage" means water, one hundred percent (100%) fruit juice, lowfat milk, and any beverage that contains no more than ten (10) grams of sugar per serving; and

(c) "School day" means the period of time between the arrival of the first student at the school building and the end of the last instructional period.

(2) (a) During a school day, a school shall not sell the following items through vending machines, school stores, canteens, or fundraisers by students, teachers, or groups: chewing gum and water ices as defined in 7 C.F.R. Part 210; any food item that contains more than forty percent (40%) added sugar by weight; or other items, except seeds and nuts, that contain more than six (6) grams of fat per serving.

(b) During a school day, an elementary school shall not sell, whether through vending machines, school stores, canteens, or fundraisers by students, teachers, or groups, or through any other means, soda waters as defined in Appendix B to 7 C.F.R. Part 210.

(3) A school may offer for a la carte sale on the cafeteria line only those items that meet the United States Department of Agriculture standard for a breakfast or lunch component, using the food-based or enhanced food-based menu planning method, except that frozen desserts that contain at least twenty-five percent (25%) real juice, yogurt, and dairy products may be offered.

(4) During a school day in a middle school and high school, at least seventy-five percent (75%) of the beverages offered for sale through vending machines, school stores, canteens, or fundraisers by students, teachers, or groups, or through any other means, shall consist of healthy beverages, except that the sale or serving of any beverages to students in competition with the School Breakfast Program and the National School Lunch Program shall be prohibited on the school campus during the school day until thirty (30) minutes after the close of the last lunch serving period unless a waiver of this prohibition has been obtained from the Kentucky Board of Education.

(5) Healthy beverages shall not be sold at a price higher than any other beverages.

(6) Nothing in this section shall be construed to prohibit or limit the sale of any food or beverage item to teachers, administrators, or other adult school employees in a separate area that is not accessible to students.

(7) A school district may consult with the Cabinet for Health and Family Services for suggestions about other nutrition initiatives that may be appropriate in the schools.

(8) The provisions of this section shall become effective with the 2005-2006 school year.

SECTION 4. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO READ AS FOLLOWS:

(1) Each school district shall appoint a food service director who is responsible for the management and oversight of the food service program in the district, except two (2) or more contiguous districts may form one (1) "school food service area" and a school food service director shall be selected by the participating school superintendents to oversee the "school food service area."

(2) (a) Any person serving as a school food service director on the effective date of this Act who does not hold the "school food service and nutrition specialist" credential or the Level 2 certificate issued by the American School Food Service Association shall obtain the appropriate credential by July 30, 2007.

(b) Any person appointed to serve as school food service director after the effective date of this Act who does not hold the "school food service and nutrition specialist" credential or the Level 2 certificate issued by the American School Food Service Association shall obtain the appropriate credential within three (3) years of his or her appointment.

(c) Ten (10) clock hours of the required continuing education for maintaining the appropriate credential or certificate under this subsection shall be directly related to applied nutrition and healthy meal planning and preparation.

(3) School cafeteria managers shall annually receive at least two (2) hours of continuing education in applied nutrition and healthy meal planning and preparation.

Section 5. KRS 156.160 is amended to read as follows:

(1) With the advice of the Local Superintendents Advisory Council, the Kentucky Board of Education shall promulgate administrative regulations establishing standards which school districts shall meet in student, program, service, and operational performance. These regulations shall comply with the expected outcomes for students and schools set forth in KRS 158.6451. Administrative regulations shall be promulgated for the following:

(a) Courses of study for the different grades and kinds of common schools identifying the common curriculum content directly tied to the goals, outcomes, and assessment strategies developed under KRS 158.645, 158.6451, and 158.6453 and distributed to local school districts and schools. They shall include the following: the courses of study for students shall include American sign language which shall be accepted as meeting the foreign language requirements in common schools notwithstanding other provisions of law;

(b) The acquisition and use of educational equipment for the schools as recommended by the Council for Education Technology;

(c) The minimum requirements for high school graduation in light of the expected outcomes for students and schools set forth in KRS 158.6451. Student scores from any assessment administered under KRS 158.6453 that are determined by the National Technical Advisory Panel to be valid and reliable at the individual level shall be included on the student transcript. The National Technical Advisory Panel shall submit its determination to the commissioner of education and the Legislative Research Commission;

(d) Taking and keeping a school census, and the forms, blanks, and software to be used in taking and keeping the census and in compiling the required reports. The board shall create a statewide student identification numbering system based on students' Social Security numbers. The system shall provide a student identification number similar to, but distinct from, the Social Security number, for each student who does not have a Social Security number or whose parents or guardians choose not to disclose the Social Security number for the student;

(e) Sanitary and protective construction of public school buildings, toilets, physical equipment of school grounds, school buildings, and classrooms. With respect to physical standards of sanitary and protective construction for school buildings, the Kentucky Board of Education shall adopt the Uniform State Building Code;

(f) Medical inspection, physical and health education and recreation, and other regulations necessary or advisable for the protection of the physical welfare and safety of the public school children. The administrative regulations shall set requirements for student health standards to be met by all students in grades four (4), eight (8), and twelve (12) pursuant to the outcomes described in KRS 158.6451. The administrative regulations shall permit a student who received a physical examination no more than six (6) months prior to his initial admission to Head Start to substitute that physical examination for the physical examination required by the Kentucky Board of Education of all students upon initial admission to the public schools, if the physical examination given in the Head Start program meets all the requirements of the physical examinations prescribed by the Kentucky Board of Education;

(g) A vision examination by an optometrist or ophthalmologist that shall be required by the Kentucky Board of Education. The administrative regulations shall require evidence that a vision examination that meets the criteria prescribed by the Kentucky Board of Education has been performed. This evidence shall be submitted to the school no later than January 1 of the first year that a three (3), four (4), five (5), or six (6) year-old child is enrolled in a public school, public preschool, or Head Start program;

(h) The transportation of children to and from school;

(i) The fixing of holidays on which schools may be closed and special days to be observed, and the pay of teachers during absence because of sickness or quarantine or when the schools are closed because of quarantine;

(j) The preparation of budgets and salary schedules for the several school districts under the management and control of the Kentucky Board of Education;

(k) A uniform series of forms and blanks, educational and financial, including forms of contracts, for use in the several school districts; and

(l) The disposal of real and personal property owned by local boards of education.

(2) (a) At the request of a local board of education or a school council, a local school district superintendent shall request that the Kentucky Board of Education waive any administrative regulation promulgated by that board. Beginning in the 1996-97 school year, a request for waiver of any administrative regulation shall be submitted to the Kentucky Board of Education in writing with appropriate justification for the waiver. The Kentucky Board of Education may approve the request when the school district or school has demonstrated circumstances that may include but are not limited to the following:

1. An alternative approach will achieve the same result required by the administrative regulation;
2. Implementation of the administrative regulation will cause a hardship on the school district or school or jeopardize the continuation or development of programs; or
3. There is a finding of good cause for the waiver.

(b) The following shall not be subject to waiver:

1. Administrative regulations relating to health and safety;
2. Administrative regulations relating to civil rights;
3. Administrative regulations required by federal law; and
4. Administrative regulations promulgated in accordance with KRS 158.6451, 158.6453, 158.6455, 158.685, and this section, relating to measurement of performance outcomes and determination of successful districts or schools, except upon issues relating to the grade configuration of schools.

(c) Any waiver granted under this subsection shall be subject to revocation upon a determination by the Kentucky Board of Education that the school district or school holding the waiver has subsequently failed to meet the intent of the waiver.

(3) Any private, parochial, or church school may voluntarily comply with curriculum, certification, and textbook standards established by the Kentucky Board of Education and be certified upon application to the board by such schools.

(4) Any public school that violates the provisions of Section 3 of this Act shall be subject to a penalty to be assessed by the commissioner of education as follows:

(a) The first violation shall result in a fine of no more than one (1) week's revenue from the sale of the competitive food or beverage;

(b) Subsequent violations shall result in a fine of no more than one (1) month's revenue from the sale of the competitive food or beverage; and

(c) Revenue collected as a result of the fines in this subsection shall be transferred to the food service fund of the local school district."; and

By renumbering the subsequent section accordingly; and

On page 7, line 5, by deleting "overweight and obesity" and inserting "overweight, obesity, and tooth decay" in lieu thereof.

House Floor Amendment No. 5 to **SB 95**, by Representative Stein:

SB 95, On Page 1, line 3, by deleting "***urban-county government,***".

House Floor Amendment No. 3 to the House Committee Substitute to **SB 251**, by Representative Westrom:

SB 251, On page 4, after line 15, by inserting the following:

"Section 5. KRS 29A.100 is amended to read as follows:

(1) *(a)* Upon the request of a prospective juror prior to assignment to a trial court, the Chief Circuit Judge, or after the juror's assignment to a trial court, the trial judge may excuse such juror upon a showing of undue hardship, extreme inconvenience, or public necessity. On the day on which the prospective jurors are summonsed to appear, any person not previously excused who desires to be excused shall be heard.

(b)[~~(2)~~] The Chief Circuit Judge may designate and authorize one (1) or more judges of the court, the court's clerk, a deputy clerk, the court's administrator, or a deputy court administrator to excuse a juror from service for a period not to exceed ten (10) days or to postpone jury service for a period not to exceed twelve (12) months. The reasons for excuse or postponement shall be entered in the space provided on the juror qualification form.

(c)[~~(3)~~]In his or her discretion the judge may excuse a juror from service entirely, reduce the number of days of service, or may postpone the juror's service temporarily for a period of time not to exceed, however, twenty-four (24) months. Whenever possible the judge shall favor temporary postponement of service or reduced service over permanent excuse. When excusing a juror, the judge shall record the juror's name, as provided in KRS 29A.080, and the

reasons for granting the excuse.

(2) (a) The Chief Circuit Judge, prior to the assignment of a prospective juror to a trial court, and the trial judge, after assignment to his or her court, shall defer a prospective juror when that person:

1. Is the primary caregiver having active care and custody of a child under six (6) years of age or an elderly or disabled family member; and

2. Completes a form described in this subparagraph and provided by the Administrative Office of the Courts, subject to approval by the Chief Justice of the Kentucky Supreme Court. The form, at a minimum, shall contain the prospective juror's:

a. Statement that he or she is the primary caregiver having active care and custody of a child under six (6) years of age or an elderly or disabled family member;

b. Request to be deferred;

c. Signed declaration that he or she has completed the form with information that is true to the best of his or her knowledge; and

d. Acknowledgment that a willful misrepresentation of a material fact on the form may be punished by fine, imprisonment, or both.

(b) The Chief Circuit Judge or the trial court judge, as appropriate, may question a prospective juror about the contents of the submitted form before arriving at the determination in paragraph (c) of this subsection.

(c) If the appropriate judge determines that a prospective juror has met the requirements of paragraph (a) of this subsection, that judge shall:

1. Enter this determination in the space provided on the form and on the list of jurors; and

2. Cause the immediate notification of the person that he or she is deferred.

(d) The contents of the form shall be made available to parties or their attorneys of record unless the court determines in any instance in the interest of justice that this information shall be kept confidential or its use limited in whole or in part.

(e) No person shall willfully misrepresent a material fact on the form.".

House Floor Amendment No. 3 to **SB 246**, by Representative Barrows:

SB 246, On page 4, line 19, after "*intervention*" by deleting "*, and the commission shall, if requested,*" and inserting "*. If an interested person requests or if the length of the transmission line is greater than one (1) mile, the commission shall*" in lieu thereof; and

On page 4, line 22, after "*counties.*" by inserting "*Notice of the hearing shall be published in a newspaper of general circulation in the county or counties where the line is proposed to be located. The notice shall, at minimum, disclose the time, place, date and location of the public hearing. Notice shall be published at least fourteen (14) days in advance of the hearing.*".

House Floor Amendment No. 2 to the House Committee Substitute to **SB 156**, by Representative Burch:

SB 156, On page 88 after line 3 by adding the following:

"Section 55. KRS 100.111 is amended to read as follows:

As used in this chapter, unless the context otherwise requires:

(1) "Administrative official" means any department, employee, or advisory, elected, or appointed body which is authorized to administer any provision of the zoning regulation, subdivision regulations, and, if delegated, any provision of any housing or building regulation or any other land use control regulation;

(2) "Agricultural use" means the use of*:*

(a) A tract of at least five (5) contiguous acres for the production of agricultural or horticultural crops, including but not limited to livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timber, orchard fruits, vegetables, flowers, or ornamental plants, including provision for dwellings for persons and their families who are engaged in the[~~ above~~] agricultural use on the tract, but not including residential building development for sale or lease to the public*;*

(b) [~~, and shall also include, ~~]Regardless of the size of the tract of land used, small wineries licensed under KRS 243.155, and farm wineries licensed under the provisions of KRS 243.156;

(c) A tract of at least five (5) contiguous acres used for the following activities involving horses:

1. Riding lessons;

2. Rides;

3. Training;

4. Projects for educational purposes;

5. Boarding and related care; or

6. Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving seventy (70) or less participants. Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving more than seventy (70) participants shall be subject to local applicable zoning regulations; or

(d) A tract of land used for the following activities involving horses:

1. Riding lessons;

2. Rides;

3. Training;

4. Projects for educational purposes;

5. Boarding and related care; or

6. Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving seventy (70) or less participants. Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving more than seventy (70) participants shall be subject to local applicable zoning regulations.

This paragraph shall only apply to acreage that was being used for these activities before the effective date of this Act;

(3) "Board" means the board of adjustment unless the context indicates otherwise;

(4) "Citizen member" means any member of the planning commission or board of adjustment who is not an elected or appointed official or employee of the city, county, or consolidated local government;

(5) "Commission" means planning commission;

(6) "Conditional use" means a use which is essential to or would promote the public health, safety, or welfare in one (1) or more zones, but which would impair the integrity and character of the zone in which it is located, or in adjoining zones, unless restrictions on location, size, extent, and character of performance are imposed in addition to those imposed in the zoning regulation;

(7) "Conditional use permit" means legal authorization to undertake a conditional use, issued by the administrative official pursuant to authorization by the board of adjustment, consisting of two (2) parts:

(a) A statement of the factual determination by the board of adjustment which justifies the issuance of the permit; and

(b) A statement of the specific conditions which must be met in order for the use to be permitted;

(8) "Development plan" means written and graphic material for the provision of a development, including any or all of the following: location and bulk of buildings and other structures, intensity of use, density of development, streets, ways, parking facilities, signs, drainage of surface water, access points, a plan for screening or buffering, utilities, existing manmade and natural conditions, and all other conditions agreed to by the applicant;

(9) "Fiscal court" means the chief body of the county with legislative power, whether it is the fiscal court, county commissioners, or otherwise;

(10) "Housing or building regulation" means the Kentucky Building Code, the Kentucky Plumbing Code, and any other building or structural code promulgated by the Commonwealth or by its political subdivisions;

(11) "Legislative body" means the chief body of the city or consolidated local government with legislative power, whether it is the board of aldermen, the general council, the common council, the city council, the board of commissioners, or otherwise; at times it also implies the county's fiscal court;

(12) "Mayor" means the chief elected official of the city or consolidated local government whether the official designation of his office is mayor or otherwise;

(13) "Nonconforming use or structure" means an activity or a building, sign, structure, or a portion thereof which lawfully existed before the adoption or amendment of the zoning regulation, but which does not conform to all of the regulations contained in the zoning regulation which pertain to the zone in which it is located;

(14) "Planning operations" means the formulating of plans for the physical development and social and economic well-being of a planning unit, and the formulating of proposals for means of implementing the plans;

(15) "Planning unit" means any city, county, or consolidated local government, or any combination of cities, counties, or parts of counties, or parts of consolidated local governments engaged in planning operations;

(16) "Plat" means the map of a subdivision;

(17) "Political subdivision" means any city, county, or consolidated local government;

(18) "Several" means two (2) or more;

(19) "Public facility" means any use of land whether publicly or privately owned for transportation, utilities, or communications, or for the benefit of the general public, including but not limited to libraries, streets, schools, fire or police stations, county buildings, municipal buildings, recreational centers including parks, and cemeteries;

(20) "Street" means any vehicular way;

(21) "Structure" means anything constructed or made, the use of which requires permanent location in or on the ground or attachment to something having a permanent location in or on the ground, including buildings and signs;

(22) "Subdivision" means the division of a parcel of land into three (3) or more lots or parcels except in a county containing a city of the first, second, or third class or in an urban-county government or consolidated local government where a subdivision means the division of a parcel of land into two (2) or more lots or parcels; for the purpose, whether immediate or future, of sale, lease, or building development, or if a new street is involved, any division of a parcel of land; provided that a division of land for agricultural use and not involving a new street shall not be deemed a subdivision. The term includes resubdivision and when appropriate to the context, shall relate to the process of subdivision or to the land subdivided; any division or redivision of land into parcels of less than one (1) acre occurring within twelve (12) months following a division of the same land shall be deemed a subdivision within the meaning of this section;

(23) "Unit" means planning unit; and

(24) "Variance" means a departure from dimensional terms of the zoning regulation pertaining to the height, width, length, or location of structures, and the size of yards and open spaces where such departure meets the requirements of KRS 100.241 to 100.247.

Section 56. KRS 100.203 is amended to read as follows:

Cities and counties may enact zoning regulations which shall contain:

(1) A text, which shall list the types of zones which may be used, and the regulations which may be imposed in each zone, which must be uniform throughout the zone. In addition, the text shall make provisions for the granting of variances, conditional use permits, and for nonconforming use of land and structures, and any other provisions which are necessary to implement the zoning regulation. The city or county may regulate:

(a) The activity on the land, including filling or excavation of land, and the removal of natural resources, and the use of watercourses, and other bodies of water, as well as land subject to flooding;

(b) The size, width, height, bulk, location of structures, buildings and signs;

(c) Minimum or maximum areas or percentages of areas, courts, yards, or other open spaces or bodies of water which are to be left unoccupied, and minimum distance requirements between buildings or other structures;

(d) Intensity of use and density of population floor area to ground area ratios, or other means;

(e) Districts of special interest to the proper development of the community, including, but not limited to, exclusive use districts, historical districts, planned business districts, planned industrial districts, renewal, rehabilitation, and conservation districts; planned neighborhood and group housing districts;

(f) Fringe areas of each district, by imposing requirements which will make it compatible with neighboring districts; and

(g) The activities and structures on the land at or near major thoroughfares, their intersections, and interchanges, and transportation arteries, natural or artificial bodies of water, public buildings and public grounds, aircraft, helicopter, rocket and spacecraft facilities, places having unique interest or value, flood plain areas, and other places having a special character or use affecting or affected by their surroundings;

(2) The text may provide that the planning commission, as a condition to the granting of any zoning change, may require the submission of a development plan, which shall be limited to the provisions of the definition contained in KRS 100.111(8). Where agreed upon, this development plan shall be followed. As a further condition to the granting of a zoning change, the planning commission may require that substantial construction be initiated within a certain period of time of not less than one (1) year; provided that such zoning change shall not revert to its original designation unless there has been a public hearing;

(3) A map, which shall show the boundaries of the area which is to be zoned, and the boundaries of each zone;

(4) Text provisions to the effect that land which is used for agricultural purposes shall have no regulations except that:

(a) Setback lines may be required for the protection of existing and proposed streets and highways;

(b) All buildings or structures in a designated floodway or flood plain or which tend to increase flood heights or obstruct the flow of flood waters may be fully regulated; ~~[and]~~

(c) Mobile homes and other dwellings may be permitted but shall have regulations imposed which are applicable, such as zoning, building, and certificates of occupancy; ***and***

(d) The uses set out in paragraph (c) of subsection (2) of Section 55 of this Act may be subject to regulation as a conditional use;

(5) The text may empower the planning commission to hear and finally decide applications for variances or conditional use permits when a proposed development requires a map amendment and one (1) or more variances or conditional use permits;

(6) In any regulation adopted pursuant to subsection (5) of this section:

  (a) The text shall provide that the planning commission shall assume all powers and duties otherwise exercised by the board of adjustments pursuant to KRS 100.231, 100.233, 100.237, 100.241, 100.243, 100.247, and 100.251, in a circumstance provided for by subsection (5) of this section; and

  (b) The text shall provide that the applicant for the map amendment, at the time of the filing of the application for the map amendment, may elect to have any variances or conditional use permits for the same development to be heard and finally decided by the planning commission at the same public hearing set for the map amendment, or by the board of adjustments as otherwise provided for in this chapter;

(7) Any judicial proceeding to appeal the planning commission action authorized by subsection (5) of this section in granting or denying any variance or conditional use permit shall be taken pursuant to KRS 100.347(2);

(8) In urban-county governments, in addition to any other powers permitted or required to be exercised by this chapter, the text of the zoning regulations may provide, as a condition to granting a map amendment, that the planning unit may:

  (a) Restrict the use of the property affected to a particular use, or a particular class of use, or a specified density within those permitted in a given zoning category;

  (b) Impose architectural or other visual requirements or restrictions upon development in areas zoned historic; and

  (c) Impose screening and buffering restrictions upon the subject property;

The text shall provide the method whereby such restrictions or conditions may be imposed, modified, removed, amended and enforced."; and

Renumber the remaining sections of the Act accordingly.

House Floor Amendment No. 3 Title to **SB 156**, by Representative Burch.

SB 156, Amend title to read as follows:

"AN ACT relating to the regulation of activities involving horses.".

Announcements

The following meeting was announced:

Committee on State Government - Upon adjournment in Chamber

Adjournment

Representative Adkins moved that when the House does adjourn it does so until 9:00 a.m., Friday, March 26, 2004. Agreed.

Representative Adkins moved that the House adjourn.

The motion that the House adjourn until 9:00 a.m., Friday, March 26, 2004, was adopted by voice vote.

MARCH 26, 2004

FIFTY-SEVENTH LEGISLATIVE DAY

The House was called to order by Speaker Richards.

Prayer by Pastor Kevin Gibbs, Washington Missionary Baptist Church, Maysville, Kentucky.

The Speaker led the members in the Pledge of Allegiance to the Flag.

The roll was called. All members present except Representatives R. Adams, Draud, Farmer, and Hall.

Representative Ballard moved that the absent members be granted leave of absence in accordance with the rules of the House. Agreed.

Representative Ballard moved that the reading of the Journal of March 25, 2004, be dispensed with and the same approved. Agreed.

Representative Ballard moved that the Rules be suspended for the purpose of making a motion concerning co-sponsors. Agreed.

Representative Ballard moved that all properly filed co-sponsor requests be approved. Agreed.

Senate Message

Announcing passage: **HB 413, 418, 435,** and **569**

Message received in regard to **HB 593**: The Senate has passed **HB 593**, with the following Senate Floor Amendment No. 1 and respectfully requests concurrence of this Honorable Body. (9:10 a.m.)

Representative Palumbo moved that the rules be suspended to act upon a Legislative Citation. Agreed.

Representative Palumbo moved the adoption of the following **Legislative Citation No. 111**.

The House of Representatives of the Commonwealth of Kentucky does hereby adjourn this legislative day in memory and honor of Stanley Rodes Forston and respectfully joins with Representative Ruth Ann Palumbo in expressing deepest sympathy to the Forston Family and all those who share in the loss of this distinguished citizen. The son of the late William Carroll and Katherine Dishon Forston, and brother of the late William Carroll Forston, Jr., he is survived by his beloved wife, Helen Hatfield Forston; cherished children, Stanley Rodes Forston, Jr., David Hatfield Forston and Wayne Carroll Forston; devoted grandchildren, Evelyn, David, Erin, Michael, William and Gerik; and, a host of other family members, friends and loved ones. A lifelong resident of Lexington, Kentucky, and graduate of Henry Clay High School who attended Transylvania University, he was a veteran of World War II, where he served in the Army Signal Corps in North Africa, Sicily and Italy; a letter carrier for the U.S. Postal Service for more than thirty-five years; an Eagle Scout who served in leadership positions with the Boy Scouts of America, the Eastern Little League and the Lexington Recreation Department; and a member of Immanuel Baptist Church. He will be deeply missed by all those whose lives were touched by his commitment to youth leadership through athletics and his all-American spirit. Stanley Rodes Forston is remembered on this day for the many and generous contributions he made to his family, his friends and the community. Done in Frankfort, Kentucky, this twenty-sixth day of March, in the year two thousand and four.

Legislative Citation No. 111 was adopted without objection.

Report On Enrolled Bills

The Committee on Enrollment reported that **SB 85, 109, 138,** and **143** have been examined and found correctly enrolled. Said Bills were read at length, compared and signed in open session by the Speaker, and ordered delivered to the Senate. (Time - 9:35 a.m.)

Representative Meade moved that the rules be suspended to grant floor privileges and act on a Resolution. Agreed.

Representative Meade moved the adoption of the following **HR 267**:

HR 267, A RESOLUTION adjourning the House of Representatives in honor of Attorney General Greg Stumbo.

WHEREAS, Gregory D. "Greg" Stumbo has served the people of the Commonwealth for more than a quarter century, first in the judicial branch, then as a member of the House of Representatives of the General Assembly; and

WHEREAS, first elected to the House in 1980, Greg Stumbo began a legislative career that would span twelve consecutive terms, including 19 years as House Majority Floor Leader, distinguishing himself as the longest-serving individual in that office; and

WHEREAS, when first elected as Majority Floor Leader in 1985, Mr. Stumbo was the youngest Majority Floor Leader elected in the nation; and

WHEREAS, in 2003, Greg Stumbo was elected by the members of the majority caucus to an unprecedented tenth term in that post; and

WHEREAS, Greg Stumbo, representing his beloved Prestonsburg, a vibrant community in the heart of Kentucky's Appalachian Coalfields, has championed the fight to protect Kentucky's environment and natural resources, earning him the moniker "Chief Defender" of Kentucky's environment by one of the state's largest newspapers; and

WHEREAS, in 1999, Mr. Stumbo was the recipient of the Kentucky Environmental Quality Commission's prestigious Earth Day Award and was the chief sponsor of House Bill 174 in the 2002 Extraordinary Session which overhauled Kentucky's solid waste system by creating the Kentucky Pride Fund for landfill closure, environmental education, and cleanup of open dumps and litter along public roads; and

WHEREAS, Greg Stumbo has been recognized by the Kentucky Academy of Trial Attorneys and the Kentucky Family Safety Foundation in 2002 for his commitment to consumer legislation; he has chaired the Special Task Force on Container Deposit; and he has served on the Special Legislative Task Force on Postsecondary Education, and the Education Reform Task Force which drafted the Kentucky Education Reform Act that transformed the Commonwealth into a national leader in education reform; and

WHEREAS, Greg Stumbo served as chair of the House Committee on Impeachment during the Commonwealth's first impeachment in a century, when the House of Representatives appointed a House Impeachment Committee in 1991; and

WHEREAS, Greg Stumbo has championed many causes, including campaign finance reform, the state lottery, stricter penalties for violent offenders, executive and legislative branch ethics reform, just to name a few; and

WHEREAS, in 2003, Greg Stumbo was elected by the Kentucky voters to the Office of Attorney General of the Commonwealth;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. The members of the House of Representatives join with Representative Chuck Meade in saluting Greg Stumbo as he assumes the duties of the office to which he has been elected.

Section 2. The House of Representatives salutes Greg Stumbo for his multitude of contributions to his beloved Eastern Kentucky and the entire Commonwealth.

Section 3. When the House of Representatives adjourns this day, it adjourns in loving tribute to and in honor of our friend, the "Gentleman from Floyd 95," public servant.

Section 4. The Clerk of the House is hereby directed to transmit a copy of this Resolution to Attorney General Greg Stumbo, Office of the Attorney General, Suite 118, State Capitol, Frankfort, Kentucky, 40601.

There being no objection, **HR 267** was adopted.

On the roll call for co-sponsors the vote was: **Yeas 95.** (See March 26, 2004, roll call to show co-sponsors on **HR 267** - Appendix.)

Representative Weaver moved that the rules be suspended to grant floor privileges to present flags to families of deceased soldiers killed in Iraq. Agreed.

Introduction of Bills and Resolutions

HR 272, by Representative Brinkman: A RESOLUTION adjourning the House of Representatives in honor of Jan Rowland upon being the recipient of the 2004 Woman Business Owner of the Year award.

Reference of Bills and Resolutions

The Clerk reported that the Committee on Committees has referred the following Resolution:

House Floor: **HR 267**

Calendar

SB 1 taken from the Calendar and ordered read at length for the second time. Representative Adkins moved that it be read by title only. Agreed by a majority of members elected. Ordered referred to the Committee on Rules.

Speaker Pro Tem L. Clark assumed the Chair.

The Speaker resumed the Chair.

Orders of the Day

SB 40, with Floor Amendments attached thereto, taken from the Orders of the Day and ordered read at length for the third time. Representative Adkins moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Burch moved that **SB 40**, be passed.

Representative Jenkins moved the adoption of House Floor Amendment No. 4 to **SB 40**.

Representative Ford inquired whether Floor Amendment No. 4 is germane.

The Speaker ruled that Floor Amendment No. 4 is not germane.

On the roll call the vote was: **Yeas 92, Nays 0**. (See March 26, 2004, roll call on **SB 40** - Appendix.)

SB 40 was passed and the title agreed to.

Representative Burch moved that the vote by which **SB 40** was passed be reconsidered and said motion be placed on the table. Agreed.

SB 225 taken from the Orders of the Day and ordered read at length for the third time. Representative Adkins moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Moberly moved that **SB 225** be passed.

On the roll call the vote was: **Yeas 91, Nays 0**. (See March 26, 2004, roll call on **SB 225** - Appendix.)

SB 225 was passed and the title agreed to.

Representative Moberly moved that the vote by which **SB 225** was passed be reconsidered and said motion be placed on the table. Agreed.

SB 273 taken from the Orders of the Day and ordered read at length for the third time. Representative Adkins moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Jenkins moved that **SB 273** be passed.

On the roll call the vote was: **Yeas 88, Nays 0**. (See March 26, 2004, roll call on **SB 273** - Appendix.)

SB 273 was passed and the title agreed to.

Representative Jenkins moved that the vote by which **SB 273** was passed be reconsidered and said motion be placed on the table. Agreed.

SB 246, with House Floor Amendments attached thereto, taken from the Orders of the Day and ordered read at length for the third time. Representative Adkins moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Denham moved that **SB 246** be passed.

On the roll call the vote was: **Yeas 86, Nays 5**. (See March 26, 2004, roll call on **SB 246** - Appendix.)

SB 246 was passed and the title agreed to.

Representative Denham moved that the vote by which **SB 246** was passed be reconsidered and said motion be placed on the table. Agreed.

Report On Enrolled Bills

The Committee on Enrollment reported that **HB 48, 163, 199, 321, 373, 413, 418, 435, 458, 493, 569, 570, 572, 577, HCR 8,** and **223** have been examined and found correctly enrolled. Said Bills and Resolutions were read at length, compared and signed in open session by the Speaker, and ordered delivered to the Senate. (Time - 10:12 a.m.)

Orders of the Day (Continued)

SB 96, with House Floor Amendment attached thereto, taken from the Orders of the Day and ordered read at length for the third time. Representative Adkins moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Feeley moved that **SB 96** be passed.

Representative Damron moved the adoption of House Floor Amendment No. 1 to **SB 96**. Agreed.

Representative Feeley moved that **SB 96**, as amended, be passed.

On the roll call the vote was: **Yeas 88, Nays 1**. (See March 26, 2004, roll call on **SB 96** - Appendix.)

SB 96, as amended, was passed and the title agreed to.

Representative Feeley moved that the vote by which **SB 96**, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

SB 184 taken from the Orders of the Day and ordered read at length for the third time. Representative Adkins moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Jenkins moved that **SB 184** be passed.

On the roll call the vote was: **Yeas 94, Nays 0**. (See March 26, 2004, roll call on **SB 184** - Appendix.)

SB 184 was passed and the title agreed to.

Representative Jenkins moved that the vote by which **SB 184** was passed be reconsidered and said motion be placed on the table. Agreed.

SB 245, with Committee Substitute, Committee Amendment, and Floor Amendments attached thereto, taken from the Orders of the Day and ordered read at length for the third time. Representative Adkins moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Barrows moved the adoption of the House Committee Substitute to **SB 245**.

Representative Riner made a point of clarification and asked if members would be allowed to deal with Floor Amendments.

The Speaker replied that would be the will of the Body and that the Speaker cannot make motions.

In a point of clarification, Representative Crall asked why House Floor Amendment No. 4 to **SB 40** was not germane.

The Speaker replied that Floor Amendment No. 4 to SB 40 was determined to be not germane after analysis of it.

Speaker Pro Tem L. Clark assumed the Chair.

Speaker Richards resumed the Chair.

In a point of order Representative Ford stated the House Committee Substitute No. 1 to **SB 245** does not meet the requirement that there be only one subject matter for each Amendment and that Amendments cannot have unrelated subjects.

On the roll call to adopt the House Committee Substitute No. 1 to **SB 245** the vote was: **Yeas 58, Nays 37**. (See March 26, 2004, roll call on **SB 245** - Appendix.)

House Committee Substitute No. 1 to **SB 245** was adopted.

Representative Barrows moved that **SB 245**, by way of House Committee Substitute, be passed and moved the previous question.

Representative Hoover inquired whether the Speaker would allow 10 minutes for each side to speak if the previous question is adopted.

The Speaker replied yes.

On the roll call for the previous question the vote was: **Yeas 56, Nays 36**. (See March 26, 2004, roll call on **SB 245** - Appendix.)

The motion for the previous question on **SB 245** was adopted.

Representative Hoover asked those members not in favor of House Committee Substitute No. 1 to **SB 245** to follow him from the Chamber.

Representative Barrows moved that **SB 245**, by way of House Committee Substitute, be passed.

On the roll call the vote was: **Yeas 55, Nays 10**. (See March 26, 2004, roll call on **SB 245** - Appendix.)

SB 245, by way of House Committee Substitute, was defeated.

Speaker Pro Tem L. Clark assumed the Chair.

Speaker Richards resumed the Chair.

Report On Enrolled Bills

The Committee on Enrollment reported that **SB 40, 225, 246,** and **273** have been examined and found correctly enrolled. Said Bills were read at length, compared and signed in open session by the Speaker, and ordered delivered to the Senate. (Time - 1:50 p.m.)

Motions, Petitions, and Communications

Representative Callahan moved that the rules be suspended for the purpose of recording votes. Agreed.

Representative Callahan moved that he be recorded as voting "yea" on **SB 138, HB 199,** and **HCR 8**. Agreed.

Representative Webb moved that the rules be suspended for the purpose of recording votes. Agreed.

Representative Webb moved that she be recorded as voting "yea" on **SB 206, 34, HB 321, 199, 163, 577, 270*, HCR 8, SB 111, 75, 197, 219, 109, 85, 143, 138, 40, 225, 273, 246,** and **SJR 3**. Agreed. (*HB 270 remained in committee and a vote was never taken on the House Floor.)

Report On Enrolled Bills

The Committee on Enrollment reported that **HB 48, 163, 199, 321, 373, 413, 418, 435, 458, 493, 569, 570, 572, 577, HCR 8,** and **223** were delivered to the Senate and signed by the President. Delivered to the Governor on March 11, 2004, at 10:35 a.m.

Motions, Petitions, and Communications (Continued)

Representative Adkins moved that the rules be suspended to waive the posting requirement retroactively on **SB 247**. Agreed.

Representative Adkins moved that the rules be suspended to recess until 3:30 p.m. for the receipt of Senate Messages.

Representative Adkins stated that there would be no further business on the floor this day except Senate Messages, appointment of Conference Committees, and the receiving and reading of Committee reports.

Representative Adkins moved that when the House does adjourn it does so until 12:00 p.m., Monday, March 29, 2004. Agreed.

Representative Adkins moved that the rules be suspended to allow the Committee on Tourism Development and Energy to meet upon recess. Agreed.

Recess

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Representative Adkins moved that the rules be suspended for a Rules Committee report. Agreed.

Senate Message

Message received in regard to **HB 97**: The Senate has refused to recede from its Amendments to **HB 97**, and requests appointment of a conference committee. (3:35 p.m.)

Representative Adkins moved that the rules be suspended for the introduction and posting of Bills and Resolutions and for Report of Committees. Agreed.

Report of Committees

The Committee on Tourism Development and Energy reported **SB 247** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 247, AN ACT relating to metering of electricity.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 278 IS CREATED TO READ AS FOLLOWS:

As used in Sections 1 to 4 of this Act:

(1) "Eligible customer-generator" means a customer of a retail electric supplier who owns and operates an electric generating facility that is located on the customer's premises, for the primary purpose of supplying all or part of the customer's own electricity requirements.

(2) "Eligible electric generating facility" means an electric generating facility that:

- *(a) Is connected in parallel with the electric distribution system;*
- *(b) Generates electricity using solar energy; and*
- *(c) Has a rated capacity of not greater than fifteen (15) kilowatts.*

(3) "Kilowatt hour" means a measure of electricity defined as a unit of work of energy, measured as one (1) kilowatt of power expended for one (1) hour.

(4) "Net metering" means measuring the difference between the electricity supplied by the electric grid and the electricity generated by an eligible customer-generator that is fed back to the electric grid over a billing period.

SECTION 2. A NEW SECTION OF KRS CHAPTER 278 IS CREATED TO READ AS FOLLOWS:

(1) Each retail electric supplier shall make net metering available to any eligible customer-generator that the supplier currently serves or solicits for service. If the cumulative generating capacity of net metering systems reaches one tenth of one percent (0.1%) of a supplier's single hour peak load during the previous year, the obligation of the supplier to offer net metering to a new customer-generator may be limited by the commission.

(2) Each retail electric supplier serving a customer with eligible electric generating facilities shall use a standard kilowatt-hour meter capable of registering the flow of electricity in two (2) directions. Any additional meter, meters, or distribution upgrades needed to monitor the flow in each direction shall be installed at the customer-generator's expense. If additional meters are installed, the net metering calculation shall yield the same result as when a single meter is used.

(3) The amount of electricity billed to the eligible customer-generator using net metering shall be calculated by taking the difference between the electricity supplied by the retail electric supplier to the customer and the electricity generated and fed back by the customer. If time-of-day or time-of-use metering is used, the electricity fed back to the electric grid by the eligible customer-generator shall be net-metered and accounted for at the specific time it is fed back to the electric grid in accordance with the time-of-day or time-of-use billing agreement currently in place.

(4) Each net metering contract or tariff shall be identical, with respect to energy rates, rate structure, and monthly charges, to the contract or tariff to which the same customer would be assigned if the customer were not an eligible customer-generator.

(5) The following rules shall apply to the billing of net electricity:

- *(a) The net electricity produced or consumed during a billing period shall be read, recorded, and measured in accordance with metering practices prescribed by the commission;*
- *(b) If the electricity supplied by the retail electric supplier exceeds the electricity generated and fed back to the supplier during the billing period, the customer-generator shall be billed for the net electricity supplied in accordance with subsections (3) and (4) of this section;*
- *(c) If the electricity fed back to the retail electric supplier by the customer-generator exceeds the electricity supplied by the supplier during a billing period, the customer-generator shall be credited for the excess kilowatt hours in accordance with subsections (3) and (4) of this section. This electricity credit shall appear on the customer-generator's next bill;*

(d) If a customer-generator closes his account, no cash refund for residual generation-related credits shall be paid; and

(e) Excess electricity credits are not transferable between customers or locations.

(6) Electric generating systems and interconnecting equipment used by eligible customer-generators shall meet all applicable safety and power quality standards established by the National Electrical Code (NEC), Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories.

(7) An eligible customer-generator installation is transferable to other persons or service locations upon notification to the retail electric supplier and verification that the installation is in compliance with the applicable safety and power quality standards in subsection (6) of this section.

SECTION 3. A NEW SECTION OF KRS CHAPTER 278 IS CREATED TO READ AS FOLLOWS:

(1) The commission shall have original jurisdiction over any dispute between a retail electric supplier and an eligible customer-generator, regarding net metering rates, service, standards, performance of contracts, and testing of net meters.

(2) No later than one hundred eighty (180) days from the effective date of this Act, each retail electric supplier shall file with the commission a net metering tariff that includes all terms and conditions of its net metering program, including interconnection standards meeting the requirements of subsection (6) of Section 2 of this Act.

SECTION 4. A NEW SECTION OF KRS CHAPTER 278 IS CREATED TO READ AS FOLLOWS:

Nothing in this Act shall apply to a United States corporate agency or instrumentality of the United States government, or a distributor of electric power primarily supplied by such a corporate agency or instrumentality of the United States government.

Floor Amendments

House Floor Amendment No. 7 to **SB 135**, by Representative T. Thompson:

SB 135, On page 1, between lines 18 and 19, by inserting the following:

"Section 2. KRS 304.17A-200 is amended to read as follows:

(1) An insurer that offers health benefit plan coverage in the small group, large group, or association market may not establish rules for eligibility of any individual to enroll under the terms of the plan based on any of the following health status-related factors in relation to the individual or the dependent of the individual:

(a) Health status;

(b) Medical condition, including both physical and mental illness;

(c) Claims experience;

(d) Receipt of health care;

(e) Medical history;

(f) Genetic information;

(g) Evidence of insurability, including conditions arising out of acts of domestic violence; and

(h) Disability.

(2) An insurer that offers health benefit plan coverage in the small group, large group, or association market shall not require any individual to pay a premium or contribution which is greater than the premium or contribution for a similarly situated individual enrolled in the plan on the basis of any health status-related factor in relation to the individual or a dependent of the individual. Nothing in this subsection shall prevent the insurer from establishing premium discounts or rebates or modifying otherwise applicable copayments or deductibles in return for adherence to programs of health promotion and disease prevention.

(3) Subject to subsections (4) to (7) of this section, each insurer that offers health benefit plan coverage in the small groups market shall accept every small employer that applies for coverage and shall accept for enrollment under this coverage every individual eligible for the coverage who applies for enrollment during the period in which the individual first becomes eligible to enroll under the terms of the group health benefit plan.

(a) Notwithstanding any other provision of this subsection, *in offering coverage to small employers of two (2) to ten (10) employees within an employer-organized association,* the insurer may *permit an individual to refuse coverage within the group. Individuals refusing coverage by an insurer under this subsection shall be eligible for coverage in Kentucky Access under Subtitle 17B of KRS Chapter 304 if enrolled in Kentucky Access and shall be included by the insurer as a participant or beneficiary in any calculations for group participation rules.*

(b) Notwithstanding any other provision of this subsection, the insurer may establish group participation rules requiring a minimum number of participants or beneficiaries that must be enrolled in relation to a specified percentage or number of those eligible for enrollment.

(c)[~~(b)~~]The terms and participation rules of the group health benefit plan shall be uniformly applicable to small employers

in the small group market.

(d) The insurer shall not be required to accept all small employers in the small group market who are not members of the association or employer-organized association and who apply for coverage if the insurer's small group offering is made through a bona fide association program or employer-organized association program.

[~~(c) This subsection shall not apply to health benefit plan coverage offered by an insurer if the coverage is made available in the small group market only through one (1) or more bona fide associations.~~]

(4) In the case of an insurer that offers health benefit plan coverage in the small group market through a network plan, the insurer may:

(a) Limit the employers that may apply for coverage to those with individuals who live, work, or reside in the service area of the network plan; and

(b) Within the service area of the network plan, deny coverage to employers if the insurer has demonstrated to the commissioner that:

1. The network plan will not have the capacity to deliver services adequately to enrollees of any additional groups because of its obligations to existing group contract holders and enrollees; and

2. The insurer is applying this denial uniformly to all employers.

(5) An insurer, upon denying health benefit plan coverage in any service area in accordance with subsection (4) of this section, shall not offer coverage in the small group market within the service area for a period of one hundred eighty (180) days after the date the coverage is denied.

(6) An insurer may deny health benefit plan coverage in the small group market if the insurer has demonstrated to the commissioner that:

(a) The insurer does not have the financial reserves necessary to underwrite additional coverage; and

(b) The insurer is applying this denial uniformly to all employers in the small group market.

(7) An insurer, upon denying health benefit plan coverage in connection with group health plans in accordance with subsection (6) of this section, shall not offer coverage in the small group market for a period of one hundred eighty (180) days after the date the coverage is denied or until the insurer has demonstrated to the commissioner that the insurer has sufficient financial reserves to underwrite additional coverage, whichever is later.

(8) A health benefit plan issued as an individual policy to individual employees or their dependents through or with the permission of a small employer shall be issued on a guaranteed-issue basis to all full-time employees and shall comply with the pre-existing condition provisions of KRS 304.17A-220.

(9) (a) In connection with the offering of any health benefit plan to a small employer, an insurer:

1. Shall make a reasonable disclosure to a small employer, as part of its solicitation and sales materials, of the availability of information described in paragraph (b) of this subsection; and

2. Upon request of a small employer, provide the information described in paragraph (b) of this subsection.

(b) Subject to paragraph (c) of this subsection, with respect to an insurer offering a health benefit plan to a small employer, information described in this subsection is information concerning:

1. The provisions of the coverage concerning the insurer's right to change premium rates and the factors that may affect changes in premium rates;

2. The provisions of the health benefit plan relating to renewability of coverage;

3. The provisions of the health benefit plan relating to any preexisting condition exclusion; and

4. The benefits and premiums available under all health benefit plans for which the small employer is qualified.

(c) Information described in paragraph (b) of this subsection shall be provided to a small employer in a manner determined to be understandable by the average small employer and shall be sufficient to reasonably inform a small employer of his or her rights and obligations under the health benefit plan.

(d) An insurer is not required under this section to disclose any information that is proprietary and trade secret information under applicable law.

SECTION 3. A NEW SECTION OF SUBTITLE 17A OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

(1) Notwithstanding any other provision of law to the contrary, an insurer that issues or renews a health benefit plan on or after January 1, 2005, and before December 31, 2007, shall not be required to include any additional state mandated benefit beyond those statutory requirements in effect for health benefit plans on the effective date of this Act.

(2) An insurer issuing or renewing a health benefit plan may elect to expand coverage on any group, individual, or association health benefit plan.

(3) An insurer issuing or renewing a health benefit plan shall not suspend, limit, or modify any state mandated benefit in effect on the effective date of this Act.

(4) An insurer issuing or renewing a health benefit plan shall not suspend, limit, or modify any federal mandated benefit in effect on the effective date of this Act or any federal mandated benefit that becomes effective after the effective date of this Act.

(5) Nothing in this section shall affect the fiscal impact statement required by KRS 6.948 to be attached to any legislation mandating health insurance benefits.

SECTION 4. A NEW SECTION OF SUBTITLE 17A OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

(1) The commissioner shall by April 1, 2005, promulgate administrative regulations setting forth standards and procedures for the disclosure of information, including protected health information, required by insurers.

(2) Any administrative regulation promulgated under subsection (1) of this section shall be:

(a) Consistent and in conformity with Title II of the Health Insurance Portability and Accountability Act of 1996, as amended, Pub. L. No. 104-191; and

(b) Promulgated in consultation with the Department of Health and Human Services, Office of Civil Rights, or such other federal agency designated to enforce the provisions of the Health Insurance Portability and Accountability Act of 1996, as amended.

SECTION 5. A NEW SECTION OF SUBTITLE 18 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

(1) Beginning no later than August 1, 2004, every insurer offering or issuing a health benefit plan in the Commonwealth of Kentucky shall use the uniform employee application form developed by the commissioner by administrative regulation when a person or employer applies for coverage under a health benefit plan offered by the employer insurer.

(2) The commissioner shall by administrative regulation develop a uniform employee application form in the small group, association, employer-organized association, large group, and individual insurance markets that an insurer must use when a person or employer applies for coverage under a health benefit plan offered by the insurer. The commissioner shall revise the form for each market at least every two (2) years.

Section 6. KRS 304.12-090 is amended to read as follows:

(1) No insurer or employee or representative thereof shall knowingly charge, demand, or receive a premium for any insurance policy except in accordance with the applicable filing on file with the commissioner. No such insurer, employee, or representative shall pay, allow, or give, or offer to pay, allow, or give, directly or indirectly, as an inducement to insurance or after insurance has been effected, any rebate, discount, abatement, credit or reduction of the premium named in a policy, or any special favor or advantage in the dividends or other benefits to accrue thereon, or any valuable consideration or inducements whatever, or give, sell, or purchase, or offer to give, sell, or purchase anything of value whatsoever not specified in the policy, except to the extent provided for in such applicable filing.

(2) No insured named in a policy, nor any employee or representative thereof shall knowingly receive or accept, directly or indirectly, any such rebate, discount, abatement or reduction of premium, or any special favor or advantage or valuable consideration or inducement.

(3) Subsection (1) and (2) of this section shall not apply as to life insurance and health insurance. Except as expressly provided by law no insurer, employee, or representative shall knowingly permit or offer to make or make any contract of life insurance, life annuity or health insurance, or agreement as to such contract other than as plainly expressed in the contract issued thereon, or pay or allow, or give or offer to pay, allow or give, directly or indirectly, as inducement to such insurance, or annuity, any rebate of premiums payable on the contract, or any special favor or advantage in the dividends or other benefits thereon, or any valuable consideration or inducement whatever not expressed in the contract.

(4) No insurer shall negotiate any pricing with any person for a good or service provided under a health insurance contract, including but not limited to drug rebates, that includes a rebate or return of funds in any form to the insurer, unless that insurer:

(a) Returns the funds directly to the policyholder in the form of direct funds or premium reductions; and

(b) Accounts directly to the policyholder for the application of the funds returned to the insurers.

Section 7. KRS 304.17B-015 is amended to read as follows:

(1) Any individual who is an eligible individual is eligible for coverage under Kentucky Access, except as specified in paragraphs (a), (b), (d), and (e) of subsection (4) of this section.

(2) Any individual who is not an eligible individual who has been a resident of the Commonwealth for at least twelve (12) months immediately preceding the application for Kentucky Access coverage is eligible for coverage under Kentucky Access if one (1) of the following conditions is met:

(a) The individual has been rejected by at least one (1) insurer for coverage of a health benefit plan that is substantially similar to Kentucky Access coverage;

(b) The individual has been offered coverage substantially similar to Kentucky Access coverage at a premium rate greater than the Kentucky Access premium rate at the time of enrollment or upon renewal;[~~or~~]

(c) The individual has a high-cost condition listed in KRS 304.17B-001*; or*

(d) The individual is eligible to be enrolled in a small group of two (2) to ten (10) employees which is eligible for participation in an employer-organized association health benefit plan, the individual has voluntarily waived the association group coverage pursuant to this chapter, the individual has a high-cost condition listed in KRS 304.17B-001, and the individual's employer will pay the same percentage or dollar amount of premium, whichever is greater, as the employer pays for his or her other employees..

(3) A Kentucky Access enrollee whose premium rates exceed claims for a three (3) year period shall be issued a notice of insurability. The notice shall indicate that the Kentucky Access enrollee has not had claims exceed premium rates for a three (3) year period and may be used by the enrollee to obtain insurance in the regular individual market.

(4) An individual shall not be eligible for coverage under Kentucky Access if:

(a) The individual has, or is eligible for, on the effective date of coverage under Kentucky Access, substantially similar coverage under another contract or policy, ***except as provided under subsection (2)(d) of this section,*** unless the individual was issued coverage from a GAP participating insurer as a GAP qualified individual prior to January 1, 2001. A GAP qualified individual shall be automatically eligible for coverage under Kentucky Access without regard to the requirements of subsection (2) of this section. An individual who is ineligible for coverage pursuant to this paragraph shall not preclude the individual's spouse or dependents from being eligible for Kentucky Access coverage. As used in this paragraph, "eligible for" includes any individual who was eligible for coverage but waived that coverage. That individual shall be ineligible for Kentucky Access coverage through the period of waived coverage;

(b) The individual is eligible for coverage under Medicaid or Medicare;

(c) The individual previously terminated Kentucky Access coverage and twelve (12) months have not elapsed since the coverage was terminated, unless the individual demonstrates a good faith reason for the termination;

(d) Except for covered benefits paid under the standard health benefit plan as specified in KRS 304.17B-019, Kentucky Access has paid two million dollars ($2,000,000) in covered benefits per individual. The maximum limit under this paragraph may be increased by the department; or

(e) The individual is confined to a public institution or incarcerated in a federal, state, or local penal institution or in the custody of federal, state, or local law enforcement authorities, including work release programs.

(5) The coverage of any person who ceases to meet the requirements of this section or the requirements of any administrative regulation promulgated under this subtitle may be terminated."; and

On page 1, by deleting line 19 in its entirety and inserting the following in lieu thereof:

"Section 8 The provisions of Section 1 of this Act take effect January 1, 2005.".

House Floor Amendment No. 8 to **SB 135**, by Representative T. Thompson:

SB 135, On page 1, between lines 18 and 19, by inserting the following:

"Section 2. KRS 304.17A-200 is amended to read as follows:

(1) An insurer that offers health benefit plan coverage in the small group, large group, or association market may not establish rules for eligibility of any individual to enroll under the terms of the plan based on any of the following health status-related factors in relation to the individual or the dependent of the individual:

(a) Health status;

(b) Medical condition, including both physical and mental illness;

(c) Claims experience;

(d) Receipt of health care;

(e) Medical history;

(f) Genetic information;

(g) Evidence of insurability, including conditions arising out of acts of domestic violence; and

(h) Disability.

(2) An insurer that offers health benefit plan coverage in the small group, large group, or association market shall not require any individual to pay a premium or contribution which is greater than the premium or contribution for a similarly situated individual enrolled in the plan on the basis of any health status-related factor in relation to the individual or a dependent of the individual. Nothing in this subsection shall prevent the insurer from establishing premium discounts or rebates or modifying otherwise applicable copayments or deductibles in return for adherence to programs of health promotion and disease prevention.

(3) Subject to subsections (4) to (7) of this section, each insurer that offers health benefit plan coverage in the small groups market shall accept every small employer that applies for coverage and shall accept for enrollment under this coverage every individual eligible for the coverage who applies for enrollment during the period in which the individual first

becomes eligible to enroll under the terms of the group health benefit plan.

(a) Notwithstanding any other provision of this subsection, ***in offering coverage to small employers of two (2) to ten (10) employees within an employer-organized association,*** the insurer may ***permit an individual to refuse coverage within the group. Individuals refusing coverage by an insurer under this subsection shall be eligible for coverage in Kentucky Access under Subtitle 17B of KRS Chapter 304 if enrolled in Kentucky Access and shall be included by the insurer as a participant or beneficiary in any calculations for group participation rules.***

(b) Notwithstanding any other provision of this subsection, the insurer may establish group participation rules requiring a minimum number of participants or beneficiaries that must be enrolled in relation to a specified percentage or number of those eligible for enrollment.

(c)[~~(b)~~]The terms and participation rules of the group health benefit plan shall be uniformly applicable to small employers in the small group market.

(d) The insurer shall not be required to accept all small employers in the small group market who are not members of the association or employer-organized association and who apply for coverage if the insurer's small group offering is made through a bona fide association program or employer-organized association program.

[~~(c) This subsection shall not apply to health benefit plan coverage offered by an insurer if the coverage is made available in the small group market only through one (1) or more bona fide associations.~~]

(4) In the case of an insurer that offers health benefit plan coverage in the small group market through a network plan, the insurer may:

(a) Limit the employers that may apply for coverage to those with individuals who live, work, or reside in the service area of the network plan; and

(b) Within the service area of the network plan, deny coverage to employers if the insurer has demonstrated to the commissioner that:

1. The network plan will not have the capacity to deliver services adequately to enrollees of any additional groups because of its obligations to existing group contract holders and enrollees; and

2. The insurer is applying this denial uniformly to all employers.

(5) An insurer, upon denying health benefit plan coverage in any service area in accordance with subsection (4) of this section, shall not offer coverage in the small group market within the service area for a period of one hundred eighty (180) days after the date the coverage is denied.

(6) An insurer may deny health benefit plan coverage in the small group market if the insurer has demonstrated to the commissioner that:

(a) The insurer does not have the financial reserves necessary to underwrite additional coverage; and

(b) The insurer is applying this denial uniformly to all employers in the small group market.

(7) An insurer, upon denying health benefit plan coverage in connection with group health plans in accordance with subsection (6) of this section, shall not offer coverage in the small group market for a period of one hundred eighty (180) days after the date the coverage is denied or until the insurer has demonstrated to the commissioner that the insurer has sufficient financial reserves to underwrite additional coverage, whichever is later.

(8) A health benefit plan issued as an individual policy to individual employees or their dependents through or with the permission of a small employer shall be issued on a guaranteed-issue basis to all full-time employees and shall comply with the pre-existing condition provisions of KRS 304.17A-220.

(9) (a) In connection with the offering of any health benefit plan to a small employer, an insurer:

1. Shall make a reasonable disclosure to a small employer, as part of its solicitation and sales materials, of the availability of information described in paragraph (b) of this subsection; and

2. Upon request of a small employer, provide the information described in paragraph (b) of this subsection.

(b) Subject to paragraph (c) of this subsection, with respect to an insurer offering a health benefit plan to a small employer, information described in this subsection is information concerning:

1. The provisions of the coverage concerning the insurer's right to change premium rates and the factors that may affect changes in premium rates;

2. The provisions of the health benefit plan relating to renewability of coverage;

3. The provisions of the health benefit plan relating to any preexisting condition exclusion; and

4. The benefits and premiums available under all health benefit plans for which the small employer is qualified.

(c) Information described in paragraph (b) of this subsection shall be provided to a small employer in a manner determined to be understandable by the average small employer and shall be sufficient to reasonably inform a small employer of his or her rights and obligations under the health benefit plan.

(d) An insurer is not required under this section to disclose any information that is proprietary and trade secret information under applicable law.

SECTION 3. A NEW SECTION OF SUBTITLE 17A OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

(1) Notwithstanding any other provision of law to the contrary, an insurer that issues or renews a health benefit plan on or after January 1, 2005, and before December 31, 2007, shall not be required to include any additional state mandated benefit beyond those statutory requirements in effect for health benefit plans on the effective date of this Act.

(2) An insurer issuing or renewing a health benefit plan may elect to expand coverage on any group, individual, or association health benefit plan.

(3) An insurer issuing or renewing a health benefit plan shall not suspend, limit, or modify any state mandated benefit in effect on the effective date of this Act.

(4) An insurer issuing or renewing a health benefit plan shall not suspend, limit, or modify any federal mandated benefit in effect on the effective date of this Act or any federal mandated benefit that becomes effective after the effective date of this Act.

(5) Nothing in this section shall affect the fiscal impact statement required by KRS 6.948 to be attached to any legislation mandating health insurance benefits.

SECTION 4. A NEW SECTION OF SUBTITLE 17A OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

(1) The commissioner shall by April 1, 2005, promulgate administrative regulations setting forth standards and procedures for the disclosure of information, including protected health information, required by insurers.

(2) Any administrative regulation promulgated under subsection (1) of this section shall be:

(a) Consistent and in conformity with Title II of the Health Insurance Portability and Accountability Act of 1996, as amended, Pub. L. No. 104-191; and

(b) Promulgated in consultation with the Department of Health and Human Services, Office of Civil Rights, or such other federal agency designated to enforce the provisions of the Health Insurance Portability and Accountability Act of 1996, as amended.

SECTION 5. A NEW SECTION OF SUBTITLE 18 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

(1) Beginning no later than August 1, 2004, every insurer offering or issuing a health benefit plan in the Commonwealth of Kentucky shall use the uniform employee application form developed by the commissioner by administrative regulation when a person or employer applies for coverage under a health benefit plan offered by the employer insurer.

(2) The commissioner shall by administrative regulation develop a uniform employee application form in the small group, association, employer-organized association, large group, and individual insurance markets that an insurer must use when a person or employer applies for coverage under a health benefit plan offered by the insurer. The commissioner shall revise the form for each market at least every two (2) years.

Section 6. KRS 304.12-090 is amended to read as follows:

(1) No insurer or employee or representative thereof shall knowingly charge, demand, or receive a premium for any insurance policy except in accordance with the applicable filing on file with the commissioner. No such insurer, employee, or representative shall pay, allow, or give, or offer to pay, allow, or give, directly or indirectly, as an inducement to insurance or after insurance has been effected, any rebate, discount, abatement, credit or reduction of the premium named in a policy, or any special favor or advantage in the dividends or other benefits to accrue thereon, or any valuable consideration or inducements whatever, or give, sell, or purchase, or offer to give, sell, or purchase anything of value whatsoever not specified in the policy, except to the extent provided for in such applicable filing.

(2) No insured named in a policy, nor any employee or representative thereof shall knowingly receive or accept, directly or indirectly, any such rebate, discount, abatement or reduction of premium, or any special favor or advantage or valuable consideration or inducement.

(3) Subsection (1) and (2) of this section shall not apply as to life insurance and health insurance. Except as expressly provided by law no insurer, employee, or representative shall knowingly permit or offer to make or make any contract of life insurance, life annuity or health insurance, or agreement as to such contract other than as plainly expressed in the contract issued thereon, or pay or allow, or give or offer to pay, allow or give, directly or indirectly, as inducement to such insurance, or annuity, any rebate of premiums payable on the contract, or any special favor or advantage in the dividends or other benefits thereon, or any valuable consideration or inducement whatever not expressed in the contract.

(4) No insurer shall negotiate any pricing with any person for a good or service provided under a health insurance contract, including but not limited to drug rebates, that includes a rebate or return of funds in any form to the insurer, unless that insurer:

(a) Returns the funds directly to the policyholder in the form of direct funds or premium reductions; and

(b) Accounts directly to the policyholder for the application of the funds returned to the insurers.

Section 7. KRS 304.17B-015 is amended to read as follows:

(1) Any individual who is an eligible individual is eligible for coverage under Kentucky Access, except as specified in paragraphs (a), (b), (d), and (e) of subsection (4) of this section.

(2) Any individual who is not an eligible individual who has been a resident of the Commonwealth for at least twelve (12) months immediately preceding the application for Kentucky Access coverage is eligible for coverage under Kentucky Access if one (1) of the following conditions is met:

(a) The individual has been rejected by at least one (1) insurer for coverage of a health benefit plan that is substantially similar to Kentucky Access coverage;

(b) The individual has been offered coverage substantially similar to Kentucky Access coverage at a premium rate greater than the Kentucky Access premium rate at the time of enrollment or upon renewal;[~~ or~~]

(c) The individual has a high-cost condition listed in KRS 304.17B-001***; or***

(d) The individual is eligible to be enrolled in a small group of two (2) to ten (10) employees which is eligible for participation in an employer-organized association health benefit plan, the individual has voluntarily waived the association group coverage pursuant to this chapter, the individual has a high-cost condition listed in KRS 304.17B-001, and the individual's employer will pay the same percentage or dollar amount of premium, whichever is greater, as the employer pays for his or her other employees..

(3) A Kentucky Access enrollee whose premium rates exceed claims for a three (3) year period shall be issued a notice of insurability. The notice shall indicate that the Kentucky Access enrollee has not had claims exceed premium rates for a three (3) year period and may be used by the enrollee to obtain insurance in the regular individual market.

(4) An individual shall not be eligible for coverage under Kentucky Access if:

(a) The individual has, or is eligible for, on the effective date of coverage under Kentucky Access, substantially similar coverage under another contract or policy, ***except as provided under subsection (2)(d) of this section,*** unless the individual was issued coverage from a GAP participating insurer as a GAP qualified individual prior to January 1, 2001. A GAP qualified individual shall be automatically eligible for coverage under Kentucky Access without regard to the requirements of subsection (2) of this section. An individual who is ineligible for coverage pursuant to this paragraph shall not preclude the individual's spouse or dependents from being eligible for Kentucky Access coverage. As used in this paragraph, "eligible for" includes any individual who was eligible for coverage but waived that coverage. That individual shall be ineligible for Kentucky Access coverage through the period of waived coverage;

(b) The individual is eligible for coverage under Medicaid or Medicare;

(c) The individual previously terminated Kentucky Access coverage and twelve (12) months have not elapsed since the coverage was terminated, unless the individual demonstrates a good faith reason for the termination;

(d) Except for covered benefits paid under the standard health benefit plan as specified in KRS 304.17B-019, Kentucky Access has paid two million dollars ($2,000,000) in covered benefits per individual. The maximum limit under this paragraph may be increased by the department; or

(e) The individual is confined to a public institution or incarcerated in a federal, state, or local penal institution or in the custody of federal, state, or local law enforcement authorities, including work release programs.

(5) The coverage of any person who ceases to meet the requirements of this section or the requirements of any administrative regulation promulgated under this subtitle may be terminated.

Section 8. KRS 18A.225 is amended to read as follows:

(1) (a) The term "health maintenance organization" for the purposes of this section means a health maintenance organization as defined in KRS 304.38-030 or as a nonprofit hospital, medical-surgical, dental, and health service corporation, which has been licensed by the Kentucky Health Facilities and Health Services Certificate of Need and Licensure Board or its successor agency and issued a certificate of authority by the Department of Insurance as a health maintenance organization or as a nonprofit hospital, medical-surgical, dental, and health service corporation and which is qualified under the requirements of the United States Department of Health, Education and Welfare except as provided in subsection (2) of this section; and

(b) The term "employee" for purposes of this section means:

1. Any person, including an elected public official, who is regularly employed by any department, board, agency, or branch of state government; or by a public postsecondary educational institution; or by any city, urban-county, charter county, county, or consolidated local government, whose legislative body has opted to participate in the state-sponsored health insurance program pursuant to KRS 79.080; and who is either a contributing member to any one (1) of the retirement systems administered by the state, including but not limited to the Kentucky Retirement Systems, Kentucky Teachers' Retirement System, the Legislators' Retirement Plan, or the Judicial Retirement Plan; or is receiving a contractual contribution from the state toward a retirement plan; or, in the case of a public postsecondary education institution, is an individual participating in an optional retirement plan authorized by KRS 161.567;

2. Any certified or classified employee of a local board of education;

3. Any person who is a present or future recipient of a retirement allowance from the Kentucky Retirement Systems, Kentucky Teachers' Retirement System, the Legislators' Retirement Plan, the Judicial Retirement Plan, or the Kentucky Community and Technical College System's optional retirement plan authorized by KRS 161.567, except that a person who is receiving a retirement allowance and who is age sixty-five (65) or older shall not be included, with the exception of persons covered under KRS 61.702(4)(c), unless he or she is actively employed pursuant to subparagraph 1. of this paragraph; and

4. Any eligible dependents and beneficiaries of participating employees and retirees who are entitled to participate in the state-sponsored health insurance program.

(2) (a) The secretary of the Finance and Administration Cabinet, upon the recommendation of the secretary of the Personnel Cabinet, shall procure, in compliance with the provisions of KRS 45A.080, 45A.085, and 45A.090, from one (1) or more health insurance companies or from one (1) or more health maintenance organizations authorized to do business in this state, a policy or policies of group health care coverage, that may include but not be limited to health maintenance organization (HMO), preferred provider organization (PPO), point of service (POS), and exclusive provider organization (EPO) benefit plans encompassing all or any class or classes of employees. With the exception of employers governed by the provisions of KRS Chapters 16, 18A, and 151B, all employers of any class of employees or former employees shall enter into a contract with the Personnel Cabinet prior to including that group in the state health insurance group. The contracts shall include but not be limited to designating the entity responsible for filing any federal forms, adoption of policies required for proper plan administration, acceptance of the contractual provisions with health insurance carriers or third-party administrators, and adoption of the payment and reimbursement methods necessary for efficient administration of the health insurance program. Health insurance coverage provided to state employees under this section shall, at a minimum, contain the same benefits as provided under Kentucky Kare Standard as of January 1, 1994, and shall include a mail-order drug option as provided in subsection (14) of this section. All employees and other persons for whom the health care coverage is provided or made available shall annually be given an option to elect health care coverage through a self-funded plan offered by the Commonwealth or, if a self-funded plan is not available, from a list of coverage options determined by the competitive bid process under the provisions of KRS 45A.080, 45A.085, and 45A.090 and made available during annual open enrollment.

(b) The policy or policies shall be approved by the commissioner of insurance and may contain the provisions he approves, whether or not otherwise permitted by the insurance laws.

(c) Any carrier bidding to offer health care coverage to employees shall agree to provide coverage to all members of the state group, including active employees and retirees and their eligible covered dependents and beneficiaries, within the county or counties specified in its bid. Except as provided in subsection (19) of this section, any carrier bidding to offer health care coverage to employees shall also agree to rate all employees as a single entity, except for those retirees whose former employers insure their active employees outside the state-sponsored health insurance program.

(d) Any carrier bidding to offer health care coverage to employees shall agree to provide enrollment, claims, and utilization data to the Commonwealth in a format specified by the Personnel Cabinet with the understanding that the data shall be owned by the Commonwealth; to provide data in an electronic form and within a time frame specified by the Personnel Cabinet; and to be subject to penalties for noncompliance with data reporting requirements as specified by the Personnel Cabinet. The Personnel Cabinet shall take strict precautions to protect the confidentiality of each individual employee; however, confidentiality assertions shall not relieve a carrier from the requirement of providing stipulated data to the Commonwealth.

(e) The Personnel Cabinet shall develop the necessary techniques and capabilities for timely analysis of data received from carriers and, to the extent possible, provide in the request-for-proposal specifics relating to data requirements, electronic reporting, and penalties for noncompliance. The Commonwealth shall own the enrollment, claims, and utilization data provided by each carrier and shall develop methods to protect the confidentiality of the individual. The Personnel Cabinet shall include in the October annual report submitted pursuant to the provisions of KRS 18A.226 to the Governor, the General Assembly, and the Chief Justice of the Supreme Court, an analysis of the financial stability of the program, which shall include but not be limited to loss ratios, methods of risk adjustment, measurements of carrier quality of service, prescription coverage and cost management, and statutorily required mandates. If state self-insurance was available as a carrier option, the report also shall provide a detailed financial analysis of the self-insurance fund including, but not limited to, loss ratios, reserves, and reinsurance agreements.

(f) If any agency participating in the state-sponsored employee health insurance program for its active employees terminates participation and there is a state appropriation for the employer's contribution for active employees' health insurance coverage, then neither the agency nor the employees shall receive the state-funded contribution after termination from the state-sponsored employee health insurance program.

(g) Any funds in flexible spending accounts that remain after all reimbursements have been processed shall be transferred to the credit of the state-sponsored health insurance plan's appropriation account.

(h) Each entity participating in the state-sponsored health insurance program shall provide an amount at least equal to the state contribution rate for the employer portion of the health insurance premium. For any participating entity that used the state payroll system, the employer contribution amount shall be equal to but not greater than the state contribution rate.

(3) The secretary of the Finance and Administration Cabinet, upon the recommendation of the secretary of the Personnel Cabinet, may procure from one (1) or more dental insurance companies, one (1) or more nonprofit hospital, medical-surgical, dental, and health service corporations organized under Subtitle 32 of KRS Chapter 304, or one (1) or more prepaid dental plan organizations organized under Subtitle 43 of KRS Chapter 304, a policy or policies of group dental insurance or prepaid dental plan coverage encompassing all or any class or classes of employees. All employees for whom the dental insurance or prepaid dental plan coverage is provided shall annually be given an option to elect either standard dental insurance coverage or coverage by a prepaid dental plan. The policy or policies shall be approved by the commissioner of insurance and may contain the provisions he approves, whether or not otherwise permitted by the insurance laws. It is intended that either dental insurance or prepaid dental plan coverage may be made available for employees, except that the procuring of each is permissive.

(4) The premiums may be paid by the policyholder:

(a) Wholly from funds contributed by the employee, by payroll deduction or otherwise;

(b) Wholly from funds contributed by any department, board, agency, public postsecondary education institution, or branch of state, city, urban-county, charter county, county, or consolidated local government; or

(c) Partly from each, except that any premium due for health care coverage or dental coverage, if any, in excess of the premium amount contributed by any department, board, agency, postsecondary education institution, or branch of state, city, urban-county, charter county, county, or consolidated local government for any other health care coverage shall be paid by the employee.

(5) If an employee moves his place of residence or employment out of the service area of a managed health care plan or of a prepaid dental plan, under which he has elected coverage, into either the service area of another managed health care plan or prepaid dental plan or into an area of the Commonwealth not within a managed health care plan service area or prepaid dental plan service area, the employee shall be given an option, at the time of the move or transfer, to change his or her coverage to another health care plan or dental plan.

(6) No payment of premium by any department, board, agency, public postsecondary educational institution, or branch of state, city, urban-county, charter county, county, or consolidated local government shall constitute compensation to an insured employee for the purposes of any statute fixing or limiting the compensation of such an employee. Any premium or other expense incurred by any department, board, agency, public postsecondary educational institution, or branch of state, city, urban-county, charter county, county, or consolidated local government shall be considered a proper cost of administration.

(7) The policy or policies may contain the provisions with respect to the class or classes of employees covered, amounts of insurance or coverage for designated classes or groups of employees, policy options, terms of eligibility, and continuation of insurance or coverage after retirement.

(8) Group rates under this section shall be made available to the disabled child of an employee regardless of the child's age if the entire premium for the disabled child's coverage is paid by the state employee. A child shall be considered disabled if he has been determined to be eligible for federal Social Security disability benefits.

(9) The health care contract or contracts for employees shall be entered into for a period of not less than one (1) year.

(10) The secretary shall appoint thirty-two (32) persons to an Advisory Committee of State Health Insurance Subscribers to advise the secretary or his designee regarding the state-sponsored health insurance program for employees. The secretary shall appoint, from a list of names submitted by appointing authorities, members representing school districts from each of the seven (7) Supreme Court districts, members representing state government from each of the seven (7) Supreme Court districts, two (2) members representing retirees under age sixty-five (65), one (1) member representing local health departments, two (2) members representing the Kentucky Teachers' Retirement System, and three (3) members at large. The secretary shall also appoint two (2) members from a list of five (5) names submitted by the Kentucky Education Association, two (2) members from a list of five (5) names submitted by the largest state employee organization of nonschool state employees, two (2) members from a list of five (5) names submitted by the Kentucky Association of Counties, two (2) members from a list of five (5) names submitted by the Kentucky League of Cities, and two (2) members from a list of names consisting of five (5) names submitted by each state employee organization that has two thousand (2,000) or more members on state payroll deduction. The advisory committee shall be appointed in January of each year and shall meet quarterly.

(11) Notwithstanding any other provision of law to the contrary, the policy or policies provided to employees pursuant to this section shall not provide coverage for obtaining or performing an abortion, nor shall any state funds be used for the purpose of obtaining or performing an abortion on behalf of employees or their dependents.

(12) Interruption of an established treatment regime with maintenance drugs shall be grounds for an insured to appeal a formulary change through the established appeal procedures approved by the Department of Insurance, if the physician supervising the treatment certifies that the change is not in the best interests of the patient.

(13) Any employee who is eligible for and elects to participate in the state health insurance program as a retiree, or the spouse

or beneficiary of a retiree, under any one (1) of the state-sponsored retirement systems shall not be eligible to receive the state health insurance contribution toward health care coverage as a result of any other employment for which there is a public employer contribution. This does not preclude a retiree and an active employee spouse from using both contributions to the extent needed for purchase of one (1) state sponsored health insurance policy for that plan year.

(14) (a) The policies of health insurance coverage procured under subsection (2) of this section shall include a mail-order drug option for maintenance drugs for state employees. Maintenance drugs may be dispensed by mail order in accordance with Kentucky law.

(b) A health insurer shall not discriminate against any retail pharmacy located within the geographic coverage area of the health benefit plan and that meets the terms and conditions for participation established by the insurer, including price, dispensing fee, and copay requirements of a mail-order option. The retail pharmacy shall not be required to dispense by mail.

(c) The mail-order option shall not permit the dispensing of a controlled substance classified in Schedule II.

(15) The policy or policies provided to state employees or their dependents pursuant to this section shall provide coverage for obtaining a hearing aid and acquiring hearing aid-related services for insured individuals under eighteen (18) years of age, subject to a cap of one thousand four hundred dollars ($1,400) every thirty-six (36) months.

(16) If a state employee's residence and place of employment are in the same county, and if the hospital located within that county does not offer surgical services, intensive care services, obstetrical services, level II neonatal services, diagnostic cardiac catheterization services, and magnetic resonance imaging services, the employee may select a plan available in a contiguous county that does provide those services, and the state contribution for the plan shall be the amount available in the county where the plan selected is located.

(17) If a state employee's residence and place of employment are each located in counties in which the hospitals do not offer surgical services, intensive care services, obstetrical services, level II neonatal services, diagnostic cardiac catheterization services, and magnetic resonance imaging services, the employee may select a plan available in a county contiguous to the county of residence that does provide those services, and the state contribution for the plan shall be the amount available in the county where the plan selected is located.

(18) The Personnel Cabinet is encouraged to study whether it is fair and reasonable and in the best interests of the state group to allow any carrier bidding to offer health care coverage under this section to submit bids that may vary county by county or by larger geographic areas.

(19) Notwithstanding any other provision of this section, the bid for proposals for health insurance coverage for calendar year 2004 shall include a bid scenario that reflects the statewide rating structure provided in calendar year 2003 and a bid scenario that allows for a regional rating structure that allows carriers to submit bids that may vary by region for a given product offering as described in this subsection:

(a) The regional rating bid scenario shall not include a request for bid on a statewide option;

(b) The Personnel Cabinet shall divide the state into geographical regions which shall be the same as the partnership regions designated by the Department for Medicaid Services for purposes of the Kentucky Health Care Partnership Program established pursuant to 907 KAR 1:705;

(c) The request for proposal shall require a carrier's bid to include every county within the region or regions for which the bid is submitted and include but not be restricted to a preferred provider organization (PPO) option;

(d) If the Personnel Cabinet accepts a carrier's bid, the cabinet shall award the carrier all of the counties included in its bid within the region. If the Personnel Cabinet deems the bids submitted in accordance with this subsection to be in the best interests of state employees in a region, the cabinet may award the contract for that region to no more than two (2) carriers; and

(e) Nothing in this subsection shall prohibit the Personnel Cabinet from including other requirements or criteria in the request for proposal.

(20) If the cabinet elects to provide health insurance to state employees through a self-funded plan, the cabinet may establish a provider network for the plan or the cabinet may contract with an established insurer to rent the insurer's provider network."; and

On page 1, by deleting line 19 in its entirety and inserting the following in lieu thereof:

"Section 9 The provisions of Section 1 of this Act take effect January 1, 2005.".

House Floor Amendment No. 1 to **SB 266**, by Representative Sims:

SB 266, On page 1, after line 3, insert the following:

SECTION 2. A NEW SECTION OF KRS CHAPTER 2 IS CREATED TO READ AS FOLLOWS:

The Horse Cave Repertory Theater located in Hart County, Kentucky, is named and designated as the official state repertory theater.

House Floor Amendment No. 2 Title to **SB 266**, by Representative Sims:

SB 266, Amend the title to read "AN ACT relating to state emblems."

House Floor Amendment No. 2 to the House Committee Substitute to **SB 1**, by Representative Wilkey:

SB 1, On page 2, lines 4 and 5 to delete the same and to insert in lieu thereof:

"*(c) That all reports pursuant to this section shall be public and shall be provided to the General Assembly, the Legislative Research Commission, the Department of Insurance, and to such other persons or organizations as the General Assembly shall provide by law.*"

House Floor Amendment No. 7 to **SB 40**, by Representative Burch:

SB 40, On page 5, after line 17, by inserting the following:

"SECTION 3. A NEW SECTION OF KRS 205.510 TO 205.645 IS CREATED TO READ AS FOLLOWS:

(1) The Cabinet for Health Services shall implement a Medicaid estate recovery system mandated by the federal Omnibus Budget Reconciliation Act (OBRA) of 1993, as amended. The system shall seek recovery from the estate of a deceased recipient for the period of the deceased recipient's institutionalization, as allowed by federal law.

(2) Within the flexibility for implementation given by the federal government to the state for the Medicaid estate recovery system, the cabinet shall provide adequate notice of its claim to the estate representative.

(3) No claim shall be made against the estate if there is a surviving spouse, a surviving child under the age of twenty-one (21), or a surviving child of any age who is legally blind or who has been determined disabled under the federal Social Security Act.

(4) The cabinet shall waive recovery if an undue hardship would occur upon collection of the amounts claimed. The cabinet shall consider undue hardship on a case-by-case basis with each Medicaid estate recovery claim.

(5) To guide the cabinet with its determination of undue hardship, the cabinet shall consider the following criteria and shall not pursue Medicaid estate recovery if the any of these criteria is found to exist:

  (a) The asset subject to recovery is the sole income-producing asset, which shall include but not be limited to a family farm or business, conveyed to the surviving recipient family member;

  (b) A brother or sister who provided care to the recipient that allowed the recipient to delay entry into a nursing home has an equity interest in the home and lived in the home for at least one (1) year prior to the recipient entering the nursing home;

  (c) A son or daughter who provided care to the recipient that allowed the recipient to delay entry into a nursing home lived in the home for at least two (2) years before the recipient entered a nursing home;

  (d) Application of estate recovery would cause a person requesting the determination of undue hardship to go without health care, food, shelter, or other necessities;

  (e) The heir or beneficiary would become or remain eligible for any governmental assistance program if the cabinet pursued its claim;

  (f) Any other criteria deemed reasonable by the cabinet following examination of Medicaid estate recovery programs in states with Medicaid programs similar to the program in Kentucky; or

  (g) The total date-of-death value of the estate subject to recovery is less than the administrative cost of recovering the estate, or less than a dollar amount to be determined by the cabinet, but not less than fifteen thousand dollars ($15,000).".

House Floor Amendment No. 8 Title to **SB 40**, by Representative Burch:

SB 40, By amending the title to read as follows:

"AN ACT relating to the administration of the Medicaid program.".

House Floor Amendment No. 4 to **SJR 83**, by Representative Ballard:

SJR 83, On page 2, after line 5, by inserting the following:

"Section 3. The Transportation Cabinet shall designate the bridge on Kentucky Route 109 over the Trade Water River at mile marker 0.35 near the town of Dawson Springs the "Dudley Riley Bridge", and shall, within 30 days of the effective date of this Resolution, erect appropriate signs at each end of the bridge described in this section.".

House Floor Amendment No. 1 to **SB 189**, by Representative Bratcher:

SB 189, On page 2, after line 7, insert the following:

"SECTION 2. A NEW SECTION OF KRS 205.510 TO 205.645 IS CREATED TO READ AS FOLLOWS:

An individual who because of his or her mental or physical condition has care needs that meet the nursing facility level of care as established under an administrative regulation promulgated by the Cabinet for Health Services shall be eligible for home and community-based waiver services if the individual meets the conditions for nursing facility services as defined under 42 U.S.C. sec. 1396r.".

House Floor Amendment No. 2 Title to **SB 189**, by Representative Bratcher:

SB 189, Amend the title to read as follows:

"AN ACT relating to long-term care.".

House Floor Amendment No. 3 to the House Committee Substitute to **SB 1**, by Representative Barrows:

SB 1, On page 3, at line 4, by deleting all language after "KRS 118.415."; and

On page 3, at lines 5 through 12, by deleting all language therein.

House Floor Amendment No. 4 to the House Committee Substitute to **SB 1**, by Representative Barrows:

SB 1, On page 3, after line 12, by inserting the following new section:

"Section 6. Any provision of this Constitution notwithstanding, the provisions of this constitutional amendment shall be effective as of the effective date of any legislation passed by the Kentucky General Assembly that specifically references and implements the provisions of this constitutional amendment."

Adjournment

Representative Adkins moved that the House adjourn.

The motion that the House adjourn until 12:00 p.m., Monday, March 29, 2004, was adopted by voice vote.

MONDAY, MARCH 29, 2004

FIFTY-EIGHTH LEGISLATIVE DAY

The House was called to order by Speaker Richards.

Prayer by Miriam Picconi, Pastoral Director, Good Shepherd Catholic Church, Frankfort, Kentucky.

The Speaker led the members in the Pledge of Allegiance to the Flag.

The roll was called. All members present except Representatives R. Adams, Hall, and Riggs.

Representative Ballard moved that the absent members be granted leave of absence in accordance with the rules of the House. Agreed.

Representative Ballard moved that the reading of the Journal of March 26, 2004, be dispensed with and the same approved. Agreed.

Representative Ballard moved that the Rules be suspended for the purpose of making a motion concerning co-sponsors. Agreed.

Representative Ballard moved that all properly filed co-sponsor requests be approved. Agreed.

Introduction of Bills and Resolutions

HR 273, by Representatives Pasley and Belcher: A RESOLUTION declaring the month of May 2004, as Motorcycle Awareness Month.

HR 274, by Representative Riggs: A RESOLUTION naming the Legislative Research Commission's own Jeff Fossett as Kentucky's Official International "Farscape" Ambassador.

HR 275, by Representative Barrows: A RESOLUTION adjourning the House of Representatives in honor of Jim Owen Gaines.

HR 276, by Representative Pullin: A RESOLUTION urging the Kentucky Attorney General to investigate pricing of gasoline in Kentucky.

Reference of Bills and Resolutions

The Clerk reported that the Committee on Committees has referred the following Resolution:

House Floor: **HR 272**

Calendar

SB 247 taken from the Calendar and ordered read at length for the second time. Representative Adkins moved that they be read by title only. Agreed by a majority of members elected. Ordered referred to the Committee on Rules.

Orders of the Day

Representative Adkins moved that the rules be suspended to take the following Bills from the Committee on Rules and place them in the Orders of the Day: **HB 593, 178, 264, 362,** and **434**. Agreed.

HB 113, with Senate Committee Substitute attached thereto, taken from the Orders of the Day. Representative Adkins moved that it be placed upon its passage for concurrence or non concurrence. Agreed.

The Senate Committee Substitute to **HB 113** is as follows:

HB 113, AN ACT relating to the awarding of high school diplomas.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 158.140 is amended to read as follows:

(1) When a pupil in any public elementary school or any approved private or parochial school completes the prescribed elementary program of studies, he is entitled to a certificate of completion signed by the teacher or teachers under whom

the program was completed. The certificate shall entitle the pupil to admission into any public high school. Any promotions or credits earned in attendance in any approved public school are valid in any other public school to which a pupil may go, but the superintendent or principal of a school, as the case may be, may assign the pupil to the class or grade to which the pupil is best suited. In case a pupil transfers from the school of one (1) district to the school of another district, an assignment to a lower grade or course shall not be made until the pupil has demonstrated that he is not suited for the work in the grade or course to which he has been promoted.

(2) Upon successful completion of all state and local board requirements, the student shall receive a diploma indicating graduation from high school.

(3) A local school board may award a diploma indicating graduation from high school to any student posthumously with the high school class the student was expected to graduate.

(4) A local board of education shall award a high school diploma to an honorably discharged veteran who was enrolled in, but did not complete, high school prior to being inducted into the United States Armed Forces during World War II***, as defined in KRS 40.010, or the Korean conflict,*** as defined in KRS 40.010. Upon recommendation of the commissioner, the Kentucky Board of Education in consultation with the Kentucky Department of Veterans' Affairs shall promulgate administrative regulations to establish the guidelines for awarding these diplomas.

(5) The Department of Education shall establish the requirements for a vocational certificate of completion. A student who has returned to school after dropping out shall receive counseling concerning the vocational program. A student who has completed the requirements established for a vocational program shall receive a vocational certificate of completion specifying the areas of competence.

Section 2. KRS 156.160 is amended to read as follows:

(1) With the advice of the Local Superintendents Advisory Council, the Kentucky Board of Education shall promulgate administrative regulations establishing standards which school districts shall meet in student, program, service, and operational performance. These regulations shall comply with the expected outcomes for students and schools set forth in KRS 158.6451. Administrative regulations shall be promulgated for the following:

(a) Courses of study for the different grades and kinds of common schools identifying the common curriculum content directly tied to the goals, outcomes, and assessment strategies developed under KRS 158.645, 158.6451, and 158.6453 and distributed to local school districts and schools. ***The administrative regulations shall provide that***~~[They shall include the following]~~:

1. ***If a school offers***~~[The courses of study for students shall include]~~ American sign language***, the course***~~[which]~~ shall be accepted as meeting the foreign language requirements in common schools notwithstanding other provisions of law; ***and***

2. ***If a school offers the Reserve Officers Training Corps program, the course shall be accepted as meeting the physical education requirement for high school graduation notwithstanding other provisions of law;***

(b) The acquisition and use of educational equipment for the schools as recommended by the Council for Education Technology;

(c) The minimum requirements for high school graduation in light of the expected outcomes for students and schools set forth in KRS 158.6451. Student scores from any assessment administered under KRS 158.6453 that are determined by the National Technical Advisory Panel to be valid and reliable at the individual level shall be included on the student transcript. The National Technical Advisory Panel shall submit its determination to the commissioner of education and the Legislative Research Commission;

(d) Taking and keeping a school census, and the forms, blanks, and software to be used in taking and keeping the census and in compiling the required reports. The board shall create a statewide student identification numbering system based on students' Social Security numbers. The system shall provide a student identification number similar to, but distinct from, the Social Security number, for each student who does not have a Social Security number or whose parents or guardians choose not to disclose the Social Security number for the student;

(e) Sanitary and protective construction of public school buildings, toilets, physical equipment of school grounds, school buildings, and classrooms. With respect to physical standards of sanitary and protective construction for school buildings, the Kentucky Board of Education shall adopt the Uniform State Building Code;

(f) Medical inspection, physical and health education and recreation, and other regulations necessary or advisable for the protection of the physical welfare and safety of the public school children. The administrative regulations shall set requirements for student health standards to be met by all students in grades four (4), eight (8), and twelve (12) pursuant to the outcomes described in KRS 158.6451. The administrative regulations shall permit a student who received a physical examination no more than six (6) months prior to his initial admission to Head Start to substitute that physical examination for the physical examination required by the Kentucky Board of Education of all students upon initial admission to the public schools, if the physical examination given in the Head Start program meets all the requirements of the physical examinations prescribed by the Kentucky Board of Education;

(g) A vision examination by an optometrist or ophthalmologist that shall be required by the Kentucky Board of Education. The administrative regulations shall require evidence that a vision examination that meets the criteria prescribed by the Kentucky Board of Education has been performed. This evidence shall be submitted to the school no later than January 1 of the first year that a three (3), four (4), five (5), or six (6) year-old child is enrolled in a public school, public preschool, or Head Start program;

(h) The transportation of children to and from school;

(i) The fixing of holidays on which schools may be closed and special days to be observed, and the pay of teachers during absence because of sickness or quarantine or when the schools are closed because of quarantine;

(j) The preparation of budgets and salary schedules for the several school districts under the management and control of the Kentucky Board of Education;

(k) A uniform series of forms and blanks, educational and financial, including forms of contracts, for use in the several school districts; and

(l) The disposal of real and personal property owned by local boards of education.

(2) (a) At the request of a local board of education or a school council, a local school district superintendent shall request that the Kentucky Board of Education waive any administrative regulation promulgated by that board. Beginning in the 1996-97 school year, a request for waiver of any administrative regulation shall be submitted to the Kentucky Board of Education in writing with appropriate justification for the waiver. The Kentucky Board of Education may approve the request when the school district or school has demonstrated circumstances that may include but are not limited to the following:

1. An alternative approach will achieve the same result required by the administrative regulation;
2. Implementation of the administrative regulation will cause a hardship on the school district or school or jeopardize the continuation or development of programs; or
3. There is a finding of good cause for the waiver.

(b) The following shall not be subject to waiver:

1. Administrative regulations relating to health and safety;
2. Administrative regulations relating to civil rights;
3. Administrative regulations required by federal law; and
4. Administrative regulations promulgated in accordance with KRS 158.6451, 158.6453, 158.6455, 158.685, and this section, relating to measurement of performance outcomes and determination of successful districts or schools, except upon issues relating to the grade configuration of schools.

(c) Any waiver granted under this subsection shall be subject to revocation upon a determination by the Kentucky Board of Education that the school district or school holding the waiver has subsequently failed to meet the intent of the waiver.

(3) Any private, parochial, or church school may voluntarily comply with curriculum, certification, and textbook standards established by the Kentucky Board of Education and be certified upon application to the board by such schools.

Representative Weaver moved that the House concur in the Senate Committee Substitute to **HB 113**. Agreed.

Representative Weaver moved that **HB 113**, by way of Senate Committee Substitute, be passed.

On the roll call the vote was: **Yeas 91, Nays 0.** (See March 29, 2004, roll call on **HB 113** - Appendix.)

HB 113, by way of Senate Committee Substitute, was passed and the title agreed to.

Representative Weaver moved that the vote by which **HB 113**, by way of Senate Committee Substitute, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 152, with Senate Committee Substitute and Senate Floor Amendment attached thereto, taken from the Orders of the Day. Representative Adkins moved that it be placed upon its passage for concurrence or non concurrence. Agreed.

The Senate Committee Substitute to **HB 152** is as follows:

HB 152, AN ACT relating to the Education Professional Standards Board.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 160.350 is amended to read as follows:

(1) After considering the recommendations of a screening committee, as provided in KRS 160.352, each board of education shall appoint a superintendent of schools whose term of office shall begin on July 1, following ***the individual's***~~[this]~~ appointment. The appointment may be for a term of no more than four (4) years. In the event a vacancy occurs in the office of superintendent prior to the expiration of the term set by the board, the term shall expire on the date the vacancy occurs.

Therefore, the board may appoint a superintendent for a new term as provided in this subsection, which shall begin on the date of the superintendent's appointment, except when the vacancy occurs after a school board election and before the newly elected members take office. When a vacancy occurs during this period, the position shall not be filled until the new members take office, but the board may appoint an acting superintendent to serve a term not to exceed six (6) months. This appointment may be renewed once for a period not to exceed three (3) months. If a vacancy occurs, a local board may also appoint an acting superintendent during the period the screening committee pursuant to KRS 160.352 conducts its business and prior to the actual appointment of the new superintendent. No superintendent shall resign ***during a***[~~his~~] term and accept a new term from the same board of education prior to the expiration date of ***the***[~~his~~] present term. In the case of a vacancy in the office for an unexpired term, the board of education shall make the appointment so that the term will end on June 30. The board shall set the salary of the superintendent to be paid in regular installments.

(2) ***An individual shall not assume the duties of superintendent in a district until he or she provides the board of education with a copy of a certificate for school superintendent issued by the Education Professional Standards Board or its legal predecessor. A superintendent***[~~Before any superintendent assumes his duties, he shall present to the board of education that appointed him a statement signed by the chief state school officer that the superintendent has been duly issued a certificate of administration and supervision issued in accordance with the provisions of law and which qualifies him to hold the position to which he has been appointed, and he~~] shall hold ***a valid***[~~such~~] certificate throughout the period of[~~ his~~] employment. A superintendent candidate who is to begin ***the***[~~his~~] duties ***of superintendent*** after June 30, 1994, shall successfully complete the training program and assessment center process within one (1) year of assuming ***the***[~~his~~] duties ***of***[~~as~~] superintendent. A superintendent shall not serve as director or officer of a bank, trust company, or savings or loan association ***that***[~~which~~] has ***the***[~~his~~] school ***district's***[~~district~~] funds on deposit. Following appointment, the superintendent shall establish residency in Kentucky.

(3) A superintendent of schools may be removed for cause by a vote of four-fifths (4/5) of the membership of a board of education and upon approval by the ***commissioner of education***[~~chief state school officer~~]. However, if the dismissal of the superintendent has been recommended by a highly skilled certified educator pursuant to KRS 158.6455 and the action is approved by the ***commissioner of education***[~~chief state school officer~~], the board shall terminate the superintendent's contract. Written notice setting out the charges for removal shall be spread on the minutes of the board and given to the superintendent. The board shall seek approval by the ***commissioner of education***[~~chief state school officer~~] for removing the superintendent. The ***commissioner of education***[~~chief state school officer~~] shall investigate the accuracy of the charges made, evaluate the superintendent's overall performance during ***the superintendent's***[~~his~~] appointment, and consider the educational performance of the students in the district. Within thirty (30) days of notification, ***the commissioner of education***[~~he~~] shall either approve or reject the board's request.

(4) After the completion of a superintendent's first contract or after four (4) years, whichever comes last, the board of education may, no later than June 30, extend the contract of the superintendent for one (1) additional year beyond the current term of employment.

Section 2. KRS 161.028 is amended to read as follows:

(1) The Education Professional Standards Board is recognized to be a public body corporate and politic and an agency and instrumentality of the Commonwealth, in the performance of essential governmental functions. The Education Professional Standards Board has the authority and responsibility to:

(a) Establish standards and requirements for obtaining and maintaining a teaching certificate;

(b) Set standards for, approve, and evaluate college, university, and school district programs for the preparation of teachers and other professional school personnel. Program standards shall reflect national standards and shall address, at a minimum, the following:

1. The alignment of programs with the state's core content for assessment as defined in KRS 158.6457;
2. Research-based classroom practices, including effective classroom management techniques;
3. Emphasis on subject matter competency of teacher education students;
4. Methodologies to meet diverse educational needs of all students;
5. The consistency and quality of classroom and field experiences, including early practicums and student teaching experiences;
6. The amount of college-wide or university-wide involvement and support during the preparation as well as the induction of new teachers;
7. The diversity of faculty;
8. The effectiveness of partnerships with local school districts; and
9. The performance of graduates on various measures as determined by the board.

(c) Conduct an annual review of diversity in teacher preparation programs;

(d) Provide assistance to universities and colleges in addressing diversity, which may include researching successful strategies and disseminating the information, encouraging the development of nontraditional avenues of recruitment and providing incentives, waiving administrative regulations when needed, and other assistance as deemed necessary;

(e) Discontinue approval of programs that do not meet standards or whose graduates do not perform according to criteria set by the board;

(f) Issue, renew, revoke, suspend, or refuse to issue or renew; impose probationary or supervisory conditions upon; issue a written reprimand or admonishment; or any combination of actions regarding any certificate;

(g) Develop specific guidelines to follow upon receipt of an allegation of sexual misconduct by an employee certified by the Education Professional Standards Board. The guidelines shall include investigation, inquiry, and hearing procedures which ensure the process does not revictimize the alleged victim or cause harm if an employee is falsely accused;

(h) Receive, along with investigators hired by the Education Professional Standards Board, training on the dynamics of sexual misconduct of professionals, including the nature of this abuse of authority, characteristics of the offender, the impact on the victim, the possibility and the impact of false accusations, investigative procedures in sex offense cases, and effective intervention with victims and offenders;

(i) Recommend to the Kentucky Board of Education the essential data elements relating to teacher preparation and certification, teacher supply and demand, teacher attrition, teacher diversity, and employment trends to be included in a state comprehensive data and information system and ***periodically*** report ***data***[~~the recommendations~~] to the Interim Joint Committee on Education;

(j) Submit reports to the Governor and the Legislative Research Commission and inform the public on the status of teaching in Kentucky;

(k) Devise a credentialing system that provides alternative routes to gaining certification and greater flexibility in staffing local schools while maintaining standards for teacher competence;

(l) Develop a professional code of ethics;

(m) Set the qualifications and salary for the positions of executive director and deputy executive director to the board, notwithstanding the provisions of KRS 64.640;

(n) Recruit, select, employ and evaluate the executive director to the board;

(o) Approve employment procedures for the employment of policy level staff, subject to the provisions of KRS 12.050;

(p) Approve the biennial budget request;

(q) Charge reasonable fees for the issuance, reissuance, and renewal of certificates that are established by administrative regulation. The proceeds shall be used to meet a portion of the costs of the issuance, reissuance, and renewal of certificates, and the costs associated with disciplinary action against a certificate holder under KRS 161.120;

(r) Waive a requirement that may be established in an administrative regulation promulgated by the board. A request for a waiver shall be submitted to the board, in writing, by an applicant for certification, a postsecondary institution, or a superintendent of a local school district, with appropriate justification for the waiver. The board may approve the request if the person or institution seeking the waiver has demonstrated extraordinary circumstances justifying the waiver. Any waiver granted under this subsection shall be subject to revocation if the person or institution falsifies information or subsequently fails to meet the intent of the waiver;

(s) Promote the development of one (1) or more innovative, nontraditional or alternative administrator or teacher preparation programs through public or private colleges or universities, private contractors, the Department of Education, or the Kentucky Commonwealth Virtual University and waive administrative regulations if needed in order to implement the program;

(t)[~~Grant approval, if appropriate, of a university's request for an alternative program that enrolls students in a postbaccalaureate teacher preparation program concurrently with employment as a teacher in a local school district. A student in the alternative program shall be granted a temporary provisional certificate and shall be a candidate in the Kentucky Teacher Internship Program, notwithstanding provisions of KRS 161.030. The temporary certificate shall be valid for a maximum of two (2) years, and shall be contingent upon the candidate's continued enrollment in the preparation program and compliance with all requirements established by the board. A professional certificate shall be issued upon the teacher candidate's successful completion of the program, the internship requirements, and all assessments required by the board;~~

~~(u)~~] Grant approval, if appropriate, of a university's request for an alternative program that enrolls an administrator candidate in a postbaccalaureate administrator preparation program concurrently with employment as an assistant principal, principal, assistant superintendent, or superintendent in a local school district. An administrator candidate in the alternative program shall be granted a temporary provisional certificate and shall be a candidate in the Kentucky Principal Internship Program, notwithstanding provisions of KRS 161.030, or the Superintendent's Assessment process, notwithstanding provisions of KRS 156.111, as appropriate. The temporary certificate shall be valid for a maximum of two (2) years, and shall be contingent upon the candidate's continued enrollment in the preparation program and compliance with all requirements established by the board. A professional certificate shall be issued upon the candidate's successful completion of the program, internship requirements, and assessments as required by the board;

(u)[~~(v)~~] Employ consultants as needed;

(v)[~~(w)~~] Enter into contracts. Disbursements to professional educators who receive less than one thousand dollars ($1,000) in compensation per fiscal year from the board for serving on an assessment validation panel or as a test scorer or proctor shall not be subject to KRS 45A.690 to 45A.725;

(w)[~~(x)~~] Sponsor studies, conduct research, conduct conferences, and publish information as appropriate; and

(x)[~~(y)~~]Issue orders as necessary in any administrative action before the board.

(2) (a) The board shall be composed of seventeen (17) members. The ***commissioner of education***[~~chief state school officer~~] and the president of the Council on Postsecondary Education, or their designees, shall serve as ex officio voting members. The Governor shall make the following fifteen (15) appointments:

1. Nine (9) members who shall be teachers representative of elementary, middle or junior high, secondary, special education, and secondary vocational classrooms;
2. Two (2) members who shall be school administrators, one (1) of whom shall be a school principal;
3. One (1) member representative of local boards of education; and
4. Three (3) members representative of postsecondary institutions, two (2) of whom shall be deans of colleges of education at public universities and one (1) of whom shall be the chief academic officer of an independent not-for-profit college or university.

(b) The members appointed by the Governor after June 21, 2001, shall be confirmed by the Senate and the House of Representatives under KRS 11.160. If the General Assembly is not in session at the time of the appointment, persons appointed shall serve prior to confirmation, but the Governor shall seek the consent of the General Assembly at the next regular session or at an intervening extraordinary session if the matter is included in the call of the General Assembly.

(c) A vacancy on the board shall be filled in the same manner as the original appointment within sixty (60) days after it occurs. A member shall continue to serve until his successor is named. Any member who, through change of employment status or residence, or for other reasons, no longer meets the criteria for the position to which he was appointed shall no longer be eligible to serve in that position.

(d) Members of the board shall serve without compensation but shall be permitted to attend board meetings and perform other board business without loss of income or other benefits.

(e) A state agency or any political subdivision of the state, including a school district, required to hire a substitute for a member of the board who is absent from ***the member's place of***[~~his~~] employment while performing board business shall be reimbursed by the board for the actual amount of any costs incurred.

(f) A chairman shall be elected by and from the membership. A member shall be eligible to serve no more than three (3) one (1) year terms in succession as chairman. The executive director shall keep records of proceedings. Regular meetings shall be held at least semiannually on call of the chairman.

(g) To carry out the functions relating to its duties and responsibilities, the board is empowered to receive donations and grants of funds; to appoint consultants as needed; and to sponsor studies, conduct conferences, and publish information.

Section 3. KRS 161.048 is amended to read as follows:

(1) The General Assembly hereby finds that:

(a) 1. There are persons who have distinguished themselves through a variety of work and educational experiences that could enrich teaching in Kentucky schools;

2. There are distinguished scholars who wish to become teachers in Kentucky's public schools, but who did not pursue a teacher preparation program;

3. ***There are persons who should be recruited to teach in Kentucky's public schools as they have academic majors, strong verbal skills as shown by a verbal ability test, and deep knowledge of content, characteristics that empirical research identifies as important attributes of quality teachers;***

4. There are persons who need to be recruited to teach in Kentucky schools to meet the diverse cultural and educational needs of students; and

5.[~~4.~~] There should be alternative procedures to the traditional teacher preparation programs that qualify persons as teachers.

(b) There are hereby established alternative certification program options as described in subsections (2) through ***(8)***[~~(6)~~] of this section.

(c) It is the intent of the General Assembly that the Educational Professional Standards Board inform scholars, persons with exceptional work experience, and persons with diverse backgrounds who have potential as teachers of these options and assist local boards of education in implementing these options and recruitment of individuals who can enhance the education system in Kentucky.

(d) The Education Professional Standards Board shall promulgate administrative regulations establishing standards and procedures for the alternative certification options described in this section.

(2) Option 1: Certification of a person with exceptional work experience. An individual who has exceptional work experience and has been offered employment[~~ at the secondary level~~] in a local school district shall receive a one (1) year provisional teaching certificate with approval by the Education Professional Standards Board of a joint application by the individual and the employing school district under the following conditions:

(a) The application contains documentation of all education and work experience;

(b) The candidate has documented ten (10) years of exceptional work experience in the area in which certification is being sought;

(c) The candidate possesses***:***

1. a. A minimum of a bachelor's degree, with a ***cumulative*** grade point average of two and five-tenths (2.5) on a four (4) point scale ***or a grade point average of three (3.0) on a four (4) point scale on the last sixty (60) hours of credit completed, including undergraduate and graduate coursework*** from a nationally or regionally accredited postsecondary institution; ***or***

b. A graduate degree with a cumulative grade point average of two and five-tenths (2.5) on a four (4) point scale or a grade point average of three (3.0) on a four (4) point scale on the last sixty (60) hours of credit completed, including undergraduate and graduate coursework from a nationally or regionally accredited postsecondary institution; and

2. An academic major or a passing score on the academic content assessment designated by the Education Professional Standards Board; and

(d) The candidate shall participate in the teacher internship program under subsections (5), (6), (7), and (8) of KRS 161.030. After successful completion of the internship, the candidate shall receive a regular ***professional***[~~provisional~~] certificate[~~. An individual employed under this alternative shall be certified for one (1) year only, and may be approved for subsequent one (1) year renewals upon request of the local board of education and approval of the Education Professional Standards Board. A teacher who successfully completes three (3) contract years under the provisions of this section shall be awarded a regular provisional certificate,~~] and ***shall be*** subject to certificate renewal requirements the same as any other teacher with a regular ***professional***[~~provisional~~] certificate.

(3) Option 2: Certification through a local district training program. A local district or group of districts may seek approval for a training program. The state-approved local district training program is an alternative to the college teacher preparation program as a means of acquiring teacher certification for a teacher at any grade level. The training program may be offered for all teaching certificates approved by Education Professional Standards Board, including interdisciplinary early childhood education, except for specific certificates for teachers of exceptional children. To participate in a state-approved local district alternative training program, the candidate shall:

(a) Possess a bachelor's degree with a grade point average of two and five tenths (2.5) on a four (4) point scale or, upon approval by the Education Professional Standards Board, at least a grade point average of two (2) on a four (4) point scale if the candidate has exceptional life experience related to teaching and has completed the bachelor's degree at least five (5) years prior to submitting an application to the program.

(b) Pass written tests designated by the Education Professional Standards Board for content knowledge in the specific teaching field of the applicant with minimum scores in each test as set by the Education Professional Standards Board. To be eligible to take a subject field test, the applicant shall have completed a thirty (30) hour major in the ***academic content area***[~~subject field~~] or five (5) years of experience in the ***academic content area***[~~subject field~~] as approved by the Education Professional Standards Board.

(c) Have been offered employment in a school district which has a training program approved by the Education Professional Standards Board.

(d) Upon meeting the participation requirements as established in this subsection, the candidate shall be issued a one (1) year provisional certificate by the Education Professional Standards Board. The regular provisional certificate shall be issued upon satisfactory completion of the program and the teacher testing internship program pursuant to KRS 161.030.

(e) The Education Professional Standards Board may reject the application of any candidate who is judged as not meeting academic requirements comparable to those for students enrolled in Kentucky teacher preparation programs.

(4) Option 3: Certification of a professional from a postsecondary institution: A candidate who possesses the following qualifications may receive alternative certification for teaching at ***any***[~~the secondary~~] level:

(a) A master's degree or doctoral degree in the academic ***content***[~~subject~~] area for which certification is sought;

(b) A minimum of five (5) years of full-time teaching experience, or its equivalent, in the academic ***content***[~~subject~~] area for which certification is sought in a regionally or nationally accredited institution of higher education; and

(c) Successful completion of the teacher internship requirement imposed under KRS 161.030.

(5) Option 4: Certification of an adjunct instructor. A person who has expertise in areas such as art, music, foreign language, drama, science, and other specialty areas may be employed as an adjunct instructor in a part-time position by a local board of education under KRS 161.046. ***An individual certified as an adjunct instructor shall not be deemed "highly qualified" under the provisions of the federal No Child Left Behind Act of 2001, 20 U.S.C. sec. 6301 et seq.***

(6) Option 5: Certification of a veteran of the Armed Forces. The Education Professional Standards Board shall issue a statement of eligibility, valid for five (5) years, to a veteran for teaching at the elementary, secondary, and secondary vocational education levels with the following qualifications:

(a) Discharged or released from active duty under honorable conditions after six (6) or more years of continuous active duty immediately before the discharge or release;

(b) At least a bachelor's degree in the ***content***[~~subject matter~~] area or closely related area for which certification is sought, issued by a regionally or nationally accredited institution of higher education;

(c) A grade point average of two and five-tenths (2.5) on a four (4) point scale for a bachelor's degree or an advanced degree; and

(d) A passing score on the written exit assessment examination designated by the Education Professional Standards Board for content knowledge.

Upon an offer of employment by a school district, the eligible veteran shall receive a one (1) year provisional teaching certificate with approval by the Education Professional Standards Board of a joint application by the veteran and the employing school district. During this year, the veteran shall participate in the teacher internship program under subsections (5), (6), (7), and (8) of KRS 161.030. Upon successful completion of the internship program, the veteran shall receive a regular professional certificate.

(7) ***Option 6: University alternative program. With approval of the Education Professional Standards Board, a university may provide an alternative program that enrolls students in a postbaccalaureate teacher preparation program concurrently with employment as a teacher in a local school district. A student in the alternative program shall be granted a temporary provisional certificate and shall be a candidate in the Kentucky teacher internship program, notwithstanding provisions of KRS 161.030. The temporary provisional certificate shall be valid for a maximum of one (1) year, and may be renewed two (2) additional years, and shall be contingent upon the candidate's continued enrollment in the preparation program and compliance with all requirements established by the board. A professional certificate shall be issued upon the teacher candidate's successful completion of the program, the internship requirements, and all assessments required by the board.***

(8) Option 7: Certification of a person in a field other than education to teach in elementary, middle, or secondary programs. This option shall not be limited to teaching in shortage areas.

(a) An individual certified under provisions of this subsection shall be issued a one (1) year temporary provisional teaching certificate, renewable for a maximum of two (2) additional years with approval of the Education Professional Standards Board provided that the candidate:

1. Possesses a minimum of a bachelor's degree with a declared academic major in the area in which certification is sought and a cumulative grade point average of 3.0 on a 4.0 scale, or a professional or graduate degree in a field related to the area in which certification is sought;

2. Has a minimum score of five hundred (500) on the verbal section and a minimum score of four (4) on the analytical writing section of the Graduate Record Examination (GRE). In addition, teachers of mathematics and physical and biological sciences shall have a minimum score of four hundred fifty (450) on the quantitative section of the GRE; and

3. Passes written tests designated by the Education Professional Standards Board for content knowledge in the specific teaching field of the applicant with minimum scores in each test as set by the board.

(b) Prior to receiving the temporary provisional certificate or during the first year of the certificate, the teacher shall complete the following:

1. For elementary teaching, the individual shall successfully complete the equivalent of a two hundred forty (240) hour institute, based on six (6) hour days for eight (8) weeks. The providers and the content of the institute shall be approved by the Education Professional Standards Board. The content shall include research-based teaching strategies in reading and math, research on child and adolescent growth, knowledge of individual differences, including teaching exceptional children, and methods of classroom management.

2. For middle and secondary teaching, the individual shall successfully complete the equivalent of a one hundred eighty (180) hour institute, based on six (6) hour days for six (6) weeks. The providers and the content of the institute shall be approved by the Education Professional Standards Board and shall include research-based teaching strategies, research on child and adolescent growth, knowledge of

individual differences, including teaching exceptional children, and methods of classroom management.

(c) The candidate shall participate in the teacher internship program under subsections (5), (6), (7), and (8) of KRS 161.030. After successful completion of the internship program, the candidate shall receive a regular professional certificate.

(9) A teacher certified under subsections (2) to ***(8)***~~[(6)]~~ of this section shall be placed on the local district salary schedule for the rank corresponding to the degree held by the teacher.

(10)~~[(8)]~~ Veterans who were discharged or released from active duty under honorable conditions after six (6) or more years of continuous active duty immediately before the discharge or release, and who have at least four (4) years of occupational experience in the area in which they seek certification as a vocational industrial education teacher, shall apply for certification under and meet the requirements of the administrative regulations promulgated by the Education Professional Standards Board.

(11)~~[(9)]~~ Subsections (1) to (3) of this section notwithstanding, a candidate who possesses the following qualifications may receive certification for teaching programs for exceptional students:

(a) An out-of-state license to teach exceptional students;

(b) A bachelor's or master's degree in the certification area or closely related area for which certification is sought; and

(c) Successful completion of the teacher internship requirement required under KRS 161.030.

Section 4. KRS 161.1221 is amended to read as follows:

(1) ~~[By January 15, 2001,]~~The Education Professional Standards Board shall define "out-of-field" teaching and inform all local school districts of the definition.~~[The board shall review its policies relating to emergency certificates as it develops a definition and consider if these policies contribute to the problem of out-of-field teaching.]~~

(2) By October 15 ***of each year***~~[, 2001]~~, the Education Professional Standards Board shall identify every teacher assigned classes out-of-field in the ***current***~~[2001-2002]~~ school year and shall inform the Kentucky Department of Education.

(3) The Kentucky Department of Education shall provide to each school district a summary of the teachers identified as teaching out-of-field and give the district opportunity to correct the situation during the year. No teacher shall be reduced in salary due to being involuntarily moved out-of-field or being hired into a position out of his or her field. Emergency certification shall not be a valid reason for reducing any certified teacher's salary.

The Senate Floor Amendment No. 1 to the Senate Committee Substitute to **HB 152** is as follows:

HB 152, On page 14, line 24, by deleting "***a minimum of***";

On page 15, line 6, after "***GRE***" by inserting "***. A candidate who has a professional degree shall be exempt from the requirements of this subparagraph***".

Representative Moberly moved that the House concur in the Senate Committee Substitute to **HB 152**. Agreed.

Representative Moberly moved that the House concur in the Senate Floor Amendment No. 1 to the Senate Committee Substitute to **HB 152**. Agreed.

Representative Moberly moved that **HB 152**, by way of Senate Committee Substitute as amended by the Senate, be passed.

On the roll call the vote was: **Yeas 93, Nays 0**. (See March 29, 2004, roll call on **HB 152** - Appendix.)

HB 152, by way of Senate Committee Substitute as amended by the Senate, was passed and the title agreed to.

Representative Moberly moved that the vote by which **HB 152**, by way of Senate Committee Substitute as amended by the Senate, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 322, with Senate Floor Amendments attached thereto, taken from the Orders of the Day. Representative Adkins moved that it be placed upon its passage for concurrence or non concurrence. Agreed.

The Senate Floor Amendment No. 3 to **HB 322** is as follows:

HB 322, On page 3, after line 17, by inserting the following:

"SECTION 2. A NEW SECTION OF KRS CHAPTER 210 IS CREATED TO READ AS FOLLOWS:

(1) The Kentucky Commission on Services and Supports for Individuals with Mental Retardation and Other Developmental Disorders established in KRS 210.575, and the Kentucky Commission on Services and Supports to Individuals with Mental Illness, Alcohol and Other Drug Disorders, and Dual Diagnoses established in KRS 210.502 shall, by August 1, 2004, establish a joint ad hoc committee on transitioning from children's services systems to adult services systems for children who will continue to need services or supports after reaching age twenty-one (21).

(2) The co-chairpersons of each commission shall each designate a joint ad hoc committee chairperson and appoint up to ten (10) members for the joint ad hoc committee. At least seventy-five percent (75%) of the membership shall be composed of family members of consumers of adult or child services, advocates, and nonprofit and community-based providers of adult and child services and supports. Members of the commissions may serve as a chairperson and may be appointed to the ad hoc committee.

(3) The joint ad hoc committee shall develop recommendations for implementation of specific plans of action to meet the needs of children who transition to adult services systems.

(4) The joint ad hoc committee shall make a preliminary report by October 30, 2004, and shall make a final report by December 30, 2004, to both commissions and to the Interim Joint Committee on Health and Welfare.".

Representative Burch moved that the House concur in Senate Floor Amendment No. 3 to **HB 322**. Agreed.

The Senate Floor Amendment No. 6 to **HB 322** is as follows:

HB 322, On page 3, after line 17, by inserting the following:

"SECTION 2. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO READ AS FOLLOWS:

(1) A postsecondary education institution as defined in KRS 164.948 shall provide priority for first floor housing to any student who informs the institution of a disability, or a sensory, cognitive, or neurological deficit or impairment, or a learning disorder, minimal brain dysfunction, dyslexia, pervasive developmental disorder, autism, or Asperger syndrome. As used in this section, "disability" has the same meaning as in KRS 344.010.

(2) If the postsecondary education institution does not have available first floor housing for a student as provided under subsection (1) of this section, the postsecondary education institution shall allow the student to seek alternative on-campus or off-campus housing. The postsecondary education institution shall maintain a record of any on-campus housing assignment for that student and shall alert appropriate safety and emergency personnel of the location of the student.".

Representative Burch moved that the House concur in Senate Floor Amendment No. 6 to **HB 322**. Agreed.

Representative Burch moved that **HB 322**, as amended by the Senate, be passed.

On the roll call the vote was: **Yeas 93, Nays 0.** (See March 29, 2004, roll call on **HB 322** - Appendix.)

HB 322, as amended by the Senate, was passed.

The Senate Floor Amendment No. 2 Title to **HB 322** is as follows:

HB 322, By amending the title to read "AN ACT relating to children with disabilities.".

Representative Burch moved that the House concur in Senate Floor Amendment No. 2 Title to **HB 322**. Agreed.

Representative Burch moved that the vote by which **HB 322**, as amended by the Senate, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 461, with Senate Committee Substitute attached thereto, taken from the Orders of the Day. Representative Adkins moved that it be placed upon its passage for concurrence or non concurrence. Agreed.

The Senate Committee Substitute to **HB 461** is as follows:

HB 461, AN ACT relating to electrical licensing and declaring an emergency.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 227.480 is amended to read as follows:

(1) A city, county, urban-county, or consolidated local government shall, according to the Uniform State Building Code as it pertains to the plan review and inspection responsibilities of local governments, require any person to obtain permits before commencing construction, alteration, or repairs of any electrical wiring, and require such inspection as it deems necessary for the safety of life and property.

(2) A city, county, urban-county, or consolidated local government or the state shall not issue a permit unless the applicant submits proof of being licensed *as an electrical contractor* under KRS 227A.010 to 227A.140 *or of acting on behalf of a licensed electrical contractor*. However, the provisions of this subsection shall not apply to a homeowner or farmer who does construction, alteration, or repairs of any electrical wiring on his or her own premises *or any other person exempt from licensing under KRS 227A.030. This subsection shall not apply to electrical work performed by the*

Commonwealth of Kentucky, a city, county, urban-county, or consolidated local government, or any subdivision thereof.

(3) A city, county, urban-county, or consolidated local government shall appoint and may fix the compensation of city, county, urban-county, or consolidated local government electrical inspectors, and may by ordinance fix reasonable fees and establish other requirements for the conduct of electrical inspections within its boundaries. All electrical inspectors must be certified under KRS 227.489.

(4) Reasonable standards for the construction, alteration, and repair of any electrical wiring shall be those adopted in the Uniform State Building Code, as promulgated by the Board of Housing, Buildings and Construction, and shall have as a minimum standard the requirements of the National Electric Code. These standards shall be used by the electrical inspector in making his inspections.

Section 2. KRS 227A.010 is amended to read as follows:

As used in KRS 227A.010 to 227A.140, unless the context otherwise requires:

(1) "Authorized local licensing program" means any city, county, urban-county, charter county, or consolidated local government electrician and electrical contractor licensing program established by local ordinance for the purpose of licensing electrical workers. "Authorized local licensing program" shall include a licensing program established through a cooperative agreement between two (2) or more counties;

(2) "Committee" means the Electrical Advisory Committee as described in KRS 227.530;

(3) "Department" means the Department of Housing, Buildings and Construction;

(4) "Electrical" pertains to the installation, alteration, or repair of wires and conduits for the purpose of transmitting electricity, and the installation of fixtures and equipment in connection therewith;

(5) "Electrical contractor" means any licensed individual, partnership, or corporation that is licensed to engage in, offers to engage in, or advertises or holds itself out to be qualified to engage in designing, planning, superintending, contracting of, or assuming responsibility for the installation, alteration, or repair of any electrical wiring used for the purpose of furnishing heat, light, or power, and employs electrical workers to engage in this practice. If the electrical contractor is not a master electrician, the electrical contractor shall employ at least one (1) full-time master electrician***; however, no master electrician shall act in this capacity for more than one (1) electrical contractor***;

(6) "Electrician" means any person licensed by the department who is employed by an electrical contractor and is engaged in the construction, alteration, or repair of any electrical wiring used for the purpose of furnishing heat, light, or power;

(7) "Maintenance worker or maintenance engineer" means a person who is a regular, bona fide employee or agent of a property owner, property lessor, property management company, or firm that is not in the electrical business but has jurisdiction over the property where the routine maintenance of electrical systems is being performed;

(8) "Master electrician" means any individual licensed to assume responsible charge, supervision, or direction of an electrician engaged in the construction, installation, alteration, or repair of electrical wiring used to furnish heat, light, or power; and

(9) "Routine maintenance of electrical systems" means the routine and periodic servicing of electrical systems, including cleaning, inspecting, and making adjustments to ensure the proper operation and the removal or replacement of component parts. "Routine maintenance of electrical systems" does not include the installation of complete electrical systems.

Section 3. KRS 227A.100 is amended to read as follows:

(1) Each licensee licensed under the provisions of KRS 227A.010 to 227A.140 shall annually, on or before the ***last day of the licensee's birth month***[~~anniversary date of the license~~], pay to the department a renewal fee as established in administrative regulations promulgated by the department.

(2) A sixty (60) day grace period shall be allowed after the anniversary date of the license during which time a licensee may continue to practice and may renew his or her license upon payment of the renewal fee plus a late renewal fee as promulgated by administrative regulation of the department.

(3) A license not renewed before the end of the sixty (60) day grace period shall terminate based on the failure of the licensee to renew in a timely manner. Upon termination, the licensee is no longer eligible to practice in the Commonwealth.

(4) After the sixty (60) day grace period, a former licensee with a terminated license may have the license reinstated upon payment of the renewal fee plus a reinstatement fee as promulgated by administrative regulation of the department. An applicant for reinstatement after termination of the license shall not be required to submit to any examination as a condition for reinstatement, if the reinstatement application is made within three (3) years from the date of termination.

(5) A suspended license is subject to expiration and termination and shall be renewed as provided in this section. Renewal shall not entitle the licensee to engage in the practice until the suspension has ended or is otherwise removed by the department and the right to practice is restored by the department.

(6) A revoked license is subject to expiration or termination but may not be renewed. If it is reinstated, the former licensee shall pay the reinstatement fee as promulgated by administrative regulations under subsection (4) of this section and the renewal fee as promulgated by administrative regulations under subsection (1) of this section.

(7) The department shall require an applicant for renewal or reinstatement of a license to show evidence of completing at least

six (6) hours of continuing education provided by the National Electrical Contractors Association, the Associated Builders and Contractors, the International Brotherhood of Electrical Workers, the Associated General Contractors, the International Association of Electrical Inspectors, the Independent Electrical Contractors Association, the Kentucky Department of Housing, Buildings and Construction, or other provider of instruction approved by the department. The department shall promulgate administrative regulations establishing the content of the programs and the qualifications of the providers.

(8) The department shall require, where applicable, that an applicant for renewal or reinstatement of a license submit proof that the applicant has complied with workers' compensation and unemployment insurance laws and regulations and has obtained a general liability insurance policy of not less than five hundred thousand dollars ($500,000).

(9) The department may, through the promulgation of administrative regulations:

- ***(a) Establish an inactive license for licensees who are not actively engaging in the electrical business but wish to maintain their license;***
- ***(b) Reduce license and renewal fees for inactive licensees; and***
- ***(c) Waive the requirements established in subsection (8) of this section for inactive licensees.***

Section 4. KRS 227A.080 is amended to read as follows:

(1) Upon payment of all applicable fees, an applicant for licensure as a master electrician under KRS 227A.060 making application to the department prior to July 15, 2004, may be licensed by the department without completing the licensure requirements as established in KRS 227A.060 if:

- (a) The applicant is currently licensed by a city, county, urban-county, consolidated local government, or the state of Kentucky; or
- (b) The applicant is currently licensed, certified, or registered as a master electrician in another state whose standards are substantially equal to those in KRS 227A.060.

(2) Prior to July 15, 2004, an applicant who does not qualify for licensure under subsection (1) of this section or KRS 227A.060 may qualify for licensure by the following:

- (a) An applicant for licensure as an electrical contractor shall qualify by showing a minimum of two (2) years of verifiable experience engaging in the work of an electrical contractor in this state;
- (b) An applicant for licensure as a master electrician shall qualify by showing a minimum of six (6) years of verifiable experience as an electrical worker in this state; and
- (c) An applicant for licensure as an electrician shall qualify by showing a minimum of four (4) years of verifiable experience as an electrical worker in this state.

Under this subsection, any individual who is currently engaged in the work of an electrical contractor, electrician, or master electrician but who has not been licensed by the state or any locality may qualify for licensure in lieu of requirements in KRS 227A.060 by documenting the appropriate years of experience in his or her respective area.

(3) ***Prior to July 15, 2004, the department may issue a pending license to an applicant. A pending license shall allow the applicant to act in the capacity applied for until the applicant's permanent license is issued or the application is denied.***

(4) After July 15, 2004, licensure under this section shall cease.

Section 5. KRS 227A.030 is amended to read as follows:

(1) The provisions of KRS 227A.010 to 227A.140 shall not apply to installations under the exclusive control of electric utilities for the purpose of communication, metering, or for the generation, control, transformation, transmission, and distribution of electric energy located in buildings used exclusively by utilities for those purposes or located outdoors on property owned or leased by the utility or on public highways, streets, or roads, or outdoors by established rights on private property.

(2) Nothing in KRS 227A.010 to 227A.140 shall require that a maintenance worker or maintenance engineer performing routine maintenance of electrical systems be licensed.

(3) Nothing in KRS 227A.010 to 227A.140 shall prohibit or interfere with the ability of a homeowner or farmer to install or repair electrical wiring on his or her real property.

(4) Nothing in KRS 227A.010 to 227A.140 shall require that a retailer or its agent engaged in making installations of an appliance purchased at a retail establishment be licensed.

(5) Nothing in KRS 227A.010 to 227A.140 shall be construed to require persons making installations exempt by KRS 227.460 to be licensed or to work for a licensed person.

(6) Nothing in KRS 227A.010 to 227A.140 shall preclude the use of unlicensed, nonresident electricians in temporary, emergency, or industrial shutdown situations. Those unlicensed, nonresident electricians shall apply for an electrician's license or a master electrician's license after they are employed and engaged in electrical work in the Commonwealth of Kentucky for a period of thirty (30) days. The license shall be obtained by the temporary, unlicensed, nonresident electricians within sixty (60) days of securing employment.

(7) Nothing in KRS 227A.010 to 227A.140 shall apply to a person performing work at a surface or underground coal mine or at a coal preparation plant.

(8) Nothing in KRS 227A.010 to 227A.140 shall apply to a person performing work for a telecommunications company for which the voltage is fifty (50) volts or less.

(9) Nothing in KRS 227A.010 to 227A.140 shall prohibit a factory-authorized representative from the installation, maintenance, or service of a medical equipment device. This exemption does not include work providing electrical feeds into the power distribution unit or installation of conduits and raceways. This exemption covers only those factory engineers or third-party service companies with equivalent training who are qualified to perform such service.

(10) Nothing in KRS 227A.010 to 227A.140 shall apply to low-voltage, power-limited installations for control or coordination of interconnected devices separated from a power source by a Class 2 or Class 3 transformer installed by a person licensed as:

(a) A master or journeyman heating, ventilation, and air conditioning technician employed by a licensed HVAC contractor pursuant to KRS 198B.658;

(b) A fire protection sprinkler contractor pursuant to KRS 198B.560;

(c) A manufactured housing dealer or certified installer pursuant to KRS 227.610;

(d) A boiler mechanic pursuant to KRS 236.210;

(e) A master or journeyman plumber pursuant to KRS 318.030;

(f) An onsite sewage disposal system installer pursuant to KRS 211.357; or

(g) An electrician or master electrician employed by an electrical contractor pursuant to KRS 227A.010 to 217A.140.

SECTION 6. A NEW SECTION OF KRS CHAPTER 227A IS CREATED TO READ AS FOLLOWS:

Nothing in KRS 227A.010 to 227A.140 shall apply to low-voltage, power-limited installations for control or coordination of interconnected devices separated from a power source by a Class 2 or Class 3 transformer installed by a low-voltage installer certificate holder. The office shall set the standards for experience and testing for issuance of a low-voltage installer certificate by administrative regulation and may charge a fee to be set by the office by administrative regulation but not to exceed the actual cost of issuance of the certificate.

Section 7. Whereas it is necessary to provide a pending license for electricians in the Commonwealth in order that they may continue to work while they are waiting for a decision regarding their application for a permanent license, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Representative Cherry moved that the House concur in the Senate Committee Substitute to **HB 461**. Agreed.

Representative Cherry moved that **HB 461**, by way of Senate Committee Substitute, be passed.

On the roll call the vote was: **Yeas 93, Nays 1.** (See March 29, 2004, roll call on **HB 461** - Appendix.)

HB 461, by way of Senate Committee Substitute, was passed and the title agreed to.

Representative Cherry moved that the vote by which **HB 461**, by way of Senate Committee Substitute, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 187, with Senate Floor Amendments attached thereto, taken from the Orders of the Day. Representative Adkins moved that it be placed upon its passage for concurrence or non concurrence. Agreed.

The Senate Floor Amendment No. 1 to **HB 187** is as follows:

HB 187, On page 4, after line 15, insert the following:

"Section 4. KRS 61.365 is amended to read as follows:

The following persons who are employed by the federal government as law enforcement or investigative officers who have the power of arrest and who are residents of the Commonwealth of Kentucky shall be deemed peace officers and shall have the same powers and duties of any other peace officer in the Commonwealth, except that they shall not be required to serve process unless permitted to do so by their respective agencies:

(1) Federal Bureau of Investigation special agents;

(2) United States Secret Service special agents;

(3) United States Marshal's service deputies;

(4) Drug Enforcement Administration special agents;

(5) Bureau of Alcohol, Tobacco, and Firearms special agents;

(6) United States Forest Service special agents and law enforcement officers;

(7) Special agents and law enforcement officers of the Office of the Inspector General of the United States Department of Agriculture;[~~ and~~]

(8) United States Customs Service special agents*; and*

(9) United States Mint Police of the United States Department of the Treasury."

Representative J. Thompson moved that the House refuse to concur in Senate Floor Amendment No. 1 to **HB 187**. Agreed.

HB 178, with Senate Committee Substitute attached thereto, taken from the Orders of the Day. Representative Adkins moved that it be placed upon its passage for concurrence or non concurrence. Agreed.

The Senate Committee Substitute to **HB 178** is as follows:

HB 178, AN ACT relating to student dropouts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 158.145 is amended to read as follows:

(1) The General Assembly hereby finds that:

   (a) Little progress has been made in reducing the state's student dropout rate;

   (b) The number of school dropouts in Kentucky is unacceptable;

   (c) The factors, such as lack of academic success, poor school attendance, lack of parental support and encouragement, low socioeconomic status, poor health, child abuse, drug and alcohol addictions, alienation from school and community, and other factors that are associated with an increased probability of students dropping out of school, occur long before the end of compulsory school age;

   (d) Students who drop out of school before graduation are less likely to have the basic capacities as defined in KRS 158.645 and the skills as defined in KRS 158.6451;

   (e) The number of school dropouts seriously interferes with Kentucky's ability to develop and maintain a well-educated and highly trained workforce;

   (f) The effects of students dropping out of school can be felt throughout all levels of society and generations in increased unemployment and underemployment, reduced personal and family incomes, increased crime, decreased educational, social, emotional, and physical well-being, and in increased needs for government services; and

   (g) The positive reduction in school dropouts can only be achieved by comprehensive intervention and prevention strategies.

(2) The General Assembly declares on behalf of the people of the Commonwealth the following goals to be achieved by the year 2006:

   (a) The statewide annual average school dropout rate will be cut by fifty percent (50%) of what it was in the year 2000*. All students who drop out of a school during a school year and all students who have not graduated, fail to enroll in the school for the following school year, and do not transfer to another school, shall be included in the statewide annual average school dropout rate, except as provided in subsection (1)(b) of Section 2 of this Act*;

   (b) No school will have an annual dropout rate that exceeds five percent (5%); and

   (c) Each county will have thirty percent (30%) fewer adults between the ages of sixteen (16) and twenty-four (24) without a high school diploma or GED than the county had in the year 2000.

Section 2. KRS 158.6455 is amended to read as follows:

It is the intent of the General Assembly that schools succeed with all students and receive the appropriate consequences in proportion to that success.

(1) (a) After receiving the advice of the Office of Education Accountability; the School Curriculum, Assessment, and Accountability Council; and the National Technical Advisory Panel on Assessment and Accountability, the Kentucky Board of Education shall promulgate administrative regulations in conformity with KRS 158.6471 and 158.6472 and KRS Chapter 13A to establish a system for identifying and rewarding successful schools. A reward shall be distributed to successful schools based on the number of full-time, part-time, and itinerant certified staff employed in the school on the last working day of the year of the reward to be used for school purposes as determined by the school council or, if none exists, the principal. The Kentucky Board of Education shall identify reports, paperwork requirements, and administrative regulations from which high performing schools shall be exempt.

   (b) Effective July 1, 2006, the Kentucky Board of Education shall reward schools that exceed their improvement goal and have an annual average dropout rate below five percent (5%). ***A student shall be included in the annual average dropout rate if the student was enrolled in the school of record for at least thirty (30) days during the school year prior to the day he or she was recorded as dropping out of school. A student shall not be included in a school's annual average dropout rate if:***

1. The student is enrolled in a district-operated or district-contracted alternative program leading to a certificate of completion or a General Educational Development (GED) diploma; or

2. The student has withdrawn from school and is awarded a General Educational Development (GED) diploma by October 1 of the following school year.

(c) A student enrolled in a district-operated or district-contracted alternative program shall participate in the appropriate assessments required by the Commonwealth Accountability Testing System established in KRS 158.6453.

(2) After receiving the advice of the Office of Education Accountability; the School Curriculum, Assessment, and Accountability Council; and the National Technical Advisory Panel on Assessment and Accountability, the Kentucky Board of Education shall promulgate by administrative regulation in conformity with KRS 158.6471 and 158.6472 and KRS Chapter 13A the formula for a school accountability index to classify schools every two (2) years based on whether they have met their threshold level for school improvement, with school years 1998-2000 serving as the baseline. The formula shall reflect the school goals described in KRS 158.6451, except there shall be no measurement of the goals included in subsection (1)(b)3. and (1)(b)4.

(3) After receiving the advice of the Office of Education Accountability; the School Curriculum, Assessment, and Accountability Council; and the National Technical Advisory Panel on Assessment and Accountability, the Kentucky Board of Education shall promulgate an administrative regulation in conformity with KRS 158.6471 and 158.6472 and KRS Chapter 13A to establish appropriate consequences for schools failing to meet their threshold. The consequences shall be designed to improve teaching and learning and may include, but not be limited to:

(a) A scholastic audit process under subsection (4) of this section to determine the appropriateness of a school's classification and to recommend needed assistance;

(b) School improvement plans;

(c) Eligibility to receive Commonwealth school improvement funds under KRS 158.805;

(d) Education assistance from highly skilled certified staff under KRS 158.782;

(e) Evaluation of school personnel; and

(f) Student transfer to successful schools.

(4) (a) After receiving the advice of the Office of Education Accountability; the School Curriculum, Assessment, and Accountability Council; and the National Technical Advisory Panel on Assessment and Accountability, the Kentucky Board of Education shall promulgate an administrative regulation in conformity with KRS 158.6471 and 158.6472 and KRS Chapter 13A establishing the guidelines for conducting scholastic audits, which shall include the process for:

1. Appointing and training team members. The team shall include at least a highly skilled certified educator under KRS 158.782, a teacher, a principal or other local district administrator, a parent, and a university faculty member;

2. Reviewing a school's learning environment, efficiency, and academic performance of students and the quality of the school council's data analysis and planning in accordance with KRS 160.345(2)(j);

3. Evaluating each certified staff member assigned to the school. Only certified members of the audit team shall evaluate personnel; and

4. Making a recommendation to the Kentucky Board of Education about the appropriateness of a school's classification and a recommendation concerning the assistance required by the school to improve teaching and learning.

(b) For information purposes, the board shall also conduct scholastic audits in a sample of schools that achieved their goal and report to the public on the resulting findings regarding each aspect of the schools' operations required under subparagraph 2. of paragraph (a) of this subsection.

(5) (a) Notwithstanding subsections (2), (3), and (4) of this section and KRS 158.645 to 158.805, the Kentucky Board of Education, after receiving the advice of the Office of Education Accountability; the School Curriculum, Assessment, and Accountability Council; and the National Technical Advisory Panel on Assessment and Accountability, shall promulgate an administrative regulation in conformity with the provisions of KRS 158.6471 and 158.6472 and in accordance with KRS Chapter 13A, establishing a formula for school accountability and a school improvement goal for each school for the 1998-1999 and 1999-2000 school years, with the 1996-97 and 1997-98 school years serving as the baseline. The formula shall be based on the academic and nonacademic components that are administered in a consistent manner during the four (4) year period.

(b) 1. The Kentucky Board of Education shall reward schools that exceed their improvement goal and have an annual average dropout rate below eight percent (8%). ***All students who drop out of school during a school year shall be included in a school's annual average school dropout rate, except as provided in subsection (1)(b) of this section.***

2. Schools failing to improve as identified by the board shall be reviewed by a scholastic audit team appointed by the state board under subsection (4) of this section. The audit shall not include a formal evaluation of each certified staff member. The team shall determine whether the school shall have highly skilled education assistance for advisory purposes. All schools failing to achieve their goal shall develop a school improvement plan and shall be eligible for school improvement funds under KRS 158.805.

(6) After receiving the advice of the Office of Education Accountability; the School Curriculum, Assessment, and Accountability Council; and the National Technical Advisory Panel on Assessment and Accountability, the Kentucky Board of Education may promulgate by administrative regulation, in conformity with KRS 158.6471 and 158.6472 and KRS Chapter 13A, a system of district accountability that includes establishing a formula for accountability, goals for improvement over a two (2) year period, rewards for leadership in improving teaching and learning in the district, and consequences that address the problems and provide assistance when the district fails to achieve its goals set by the board.

(7) After receiving the advice of the Office of Education Accountability; the School Curriculum, Assessment, and Accountability Council; and the National Technical Advisory Panel on Assessment and Accountability, the Kentucky Board of Education shall promulgate administrative regulations in conformity with KRS 158.6471 and 158.6472 and KRS Chapter 13A, to establish a process whereby a school shall be allowed to appeal a performance judgment which it considers grossly unfair. Upon appeal, an administrative hearing shall be conducted in accordance with KRS Chapter 13B. The state board may adjust a performance judgment on appeal when evidence of highly unusual circumstances warrants the conclusion that the performance judgment is based on fraud or a mistake in computations, is arbitrary, is lacking any reasonable basis, or when there are significant new circumstances occurring during the biennial assessment period which are beyond the control of the school.

Section 3. KRS 158.146 is amended to read as follows:

(1) No later than December 30, 2000, the Kentucky Department of Education shall establish and implement a comprehensive statewide strategy to provide assistance to local districts and schools to address the student dropout problem in Kentucky public schools. In the development of the statewide strategy, the department shall engage private and public representatives who have an interest in the discussion. The statewide strategy shall build upon the existing programs and initiatives that have proven successful. The department shall also take into consideration the following:

(a) Analyses of annual district and school dropout data as submitted under KRS 158.148 and 158.6453;

(b) State and federal resources and programs, including, but not limited to, extended school services; early learning centers; family resource and youth service centers; alternative education services; preschool; service learning; drug and alcohol prevention programs; School-to-Careers; High Schools that Work; school safety grants; and other relevant programs and services that could be used in a multidimensional strategy;

(c) Comprehensive student programs and services that include, but are not limited to, identification, counseling, mentoring, and other educational strategies for elementary, middle, and high school students who are demonstrating little or no success in school, who have poor school attendance, or who possess other risk factors that contribute to the likelihood of their dropping out of school; and

(d) Evaluation procedures to measure progress within school districts, schools, and statewide.

(2) ***No state or federal funds for adult education and literacy, including but not limited to funds appropriated under KRS 164.041 or 20 U.S.C. sec. 9201 et seq., shall be used to pay for a high school student enrolled in an alternative program operated or contracted by a school district leading to a certificate of completion or a General Educational Development (GED) diploma.***

(3) The department, with assistance from appropriate agencies, shall provide technical assistance to districts requesting assistance with dropout prevention strategies and the development of district and schoolwide plans.

(4)[~~(3)~~] The department shall award grants to local school districts for dropout prevention programs based upon available appropriations from the General Assembly and in compliance with administrative regulations promulgated by the Kentucky Board of Education for this purpose. Seventy-five percent (75%) of the available dropout funds shall be directed to services for at-risk elementary and middle school students, including, but not limited to, identification, counseling, home visitations, parental training, and other strategies to improve school attendance, school achievement, and to minimize at-risk factors. Twenty-five percent (25%) of the funds shall be directed to services for high school students identified as likely to drop out of school, including, but not limited to, counseling, tutoring, extra instructional support, alternative programming, and other appropriate strategies. Priority for grants shall be awarded to districts that average, over a three (3) year period, an annual dropout rate exceeding five percent (5%).

(5)[~~(4)~~] The department shall disseminate information on best practices in dropout prevention in order to advance the knowledge for district and school level personnel to address the dropout problem effectively.

Representative Coleman moved that the House concur in the Senate Committee Substitute to **HB 178**. Agreed.

Representative Coleman moved that **HB 178**, by way of Senate Committee Substitute, be passed.

On the roll call the vote was: **Yeas 92, Nays 0.** (See March 29, 2004, roll call on **HB 178** - Appendix.)

HB 178, by way of Senate Committee Substitute, was passed and the title agreed to.

Representative Coleman moved that the vote by which **HB 178**, by way of Senate Committee Substitute, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 264, with Senate Committee Substitute attached thereto, taken from the Orders of the Day. Representative Adkins moved that it be placed upon its passage for concurrence or non concurrence. Agreed.

The Senate Committee Substitute to **HB 264** is as follows:

HB 264, AN ACT relating to crimes and punishments.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 246 IS CREATED TO READ AS FOLLOWS:

(1) No person shall tamper with any livestock.

(2) No person shall sabotage any livestock exhibited at an exhibition.

(3) This section shall not apply to:

(a) Any action taken or activity performed or administered by a licensed veterinarian or in accordance with instructions of a licensed veterinarian if the action or activity was undertaken for accepted medical purposes during the course of a valid veterinarian-client-patient relationship; or

(b) Generally accepted grooming, commercial, or medical practices that are not prohibited by any provision of the Kentucky Revised Statutes or any administrative regulation promulgated thereunder.

(4) As used in this section:

(a) "Tamper" means any of the following:

1. Treatment of livestock in such a manner that food derived from the livestock would be considered adulterated as defined in KRS 217.025;

2. The injection, use, or administration of any drug that is prohibited under any federal law or law of this state, or any drug that is used in any manner that is not authorized under any federal law or law of this state. Whenever the commissioner of the United States Food and Drug Administration or the secretary of the United States Department of Agriculture, pursuant to the federal Food, Drug, and Cosmetic Act, as amended, or federal Virus-Serum-Toxin Act, as amended, approves, disapproves, or modifies the conditions of the approved use of a drug, the approval, disapproval, or modification shall automatically be effective for the purposes of this section unless the Kentucky Department of Agriculture adopts an administrative regulation to alter, for the purposes of the section, the action taken by the commissioner or secretary. The Kentucky Department of Agriculture may adopt an administrative regulation if the department considers it to be necessary or appropriate for the protection of food safety or the health, safety, or welfare of livestock or to prevent the use of a drug for the purpose of concealing, enhancing, transforming, or changing the true conformation, configuration, or condition of livestock. No administrative regulation shall authorize the use of any drug the use of which is prohibited by, or authorize the use of any drug in a manner not authorized by, the commissioner or secretary under either of those acts;

3. The injection or other internal or external administration of any product or material, whether gas, solid, or liquid, to livestock for the purpose of concealing, enhancing, transforming, or changing the true conformation, configuration, condition, or age of the livestock or making the livestock appear more sound than it actually is;

4. The use or administration, for cosmetic purposes, of steroids, growth stimulants, or internal artificial filling, including paraffin, silicone injection, or any other substance;

5. The use or administration of any drug or feed additive affecting the central nervous system of the livestock;

6. The use or administration of diuretics for cosmetic purposes; and

7. The surgical manipulation or removal or tissue so as to change, transform, or enhance the true conformation or configuration of, or to conceal the age of, the livestock.

(b) "Sabotage" means intentionally tampering with any livestock belonging to or owned by another person that has been registered, entered into, or exhibited in any exhibition, or raised with the apparent intent of being entered into an exhibition.

Section 2. KRS 246.990 is amended to read as follows:

(1) Any person who violates subsection (2) of KRS 246.210***,***[~~or~~] subsection (2) of KRS 246.220***, or subsection (1) of Section 1 of this Act,*** shall be fined not less than fifty dollars ($50) nor more than two hundred dollars ($200) for the first offense; he shall be fined not less than five hundred dollars ($500) nor more than one thousand dollars ($1,000) and be confined in the county jail for not less than sixty (60) days nor more than one hundred and twenty (120) days, for each subsequent offense.

(2) Any person who violates subsection (3) of KRS 246.220 shall be fined not less than five dollars ($5) nor more than one hundred dollars ($100) or be imprisoned for not more than ten (10) days, or both. Each day's hindering or refusal of access shall constitute a separate offense.

(3) Any person who violates subsection (4) of KRS 246.220 shall be fined not less than two dollars ($2) nor more than fifty dollars ($50).

(4) Any person who violates subsection (5) of KRS 246.220 shall be fined not less than twenty-five dollars ($25) nor more than one hundred dollars ($100).

(5) Any person who violates subsection (6) of KRS 246.220 shall be fined not less than ten dollars ($10) nor more than fifty dollars ($50).

(6) Any person who violates subsection (7) of KRS 246.220 shall be fined not less than one hundred dollars ($100) nor more than five hundred dollars ($500), or imprisoned for not more than three (3) months, or both.

(7) Any owner or operator of a dairy plant who shall fail to comply with the provisions of KRS 246.240 or any part thereof shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than one hundred dollars ($100).

(8) Any person who violates any administrative regulation promulgated by the department under the provisions of KRS 246.660 shall have a civil fine imposed of not less than one hundred dollars ($100) nor more than five hundred dollars ($500).

(9) Any person who violates subsection (2) of Section 1 of this Act shall be disqualified from exhibiting at an exhibition for a first offense, and shall be disqualified for up to five (5) years for a second or subsequent offense.

Representative Graham moved that the House refuse to concur in the Senate Committee Substitute to **HB 264**. Agreed.

Senate Message

Announcing passage of **HB 262**.

Message received in regard to **HB 67**: The Senate has passed **HB 67** with the following Senate Floor Amendment No. 1 and respectfully requests concurrence of this Honorable Body.

Message received in regard to **HB 162**: The Senate has passed **HB 162** with the following Senate Floor Amendment No. 2 and respectfully requests concurrence of this Honorable Body.

Message received in regard to **HB 306**: The Senate has passed **HB 306** by way of Senate Committee Substitute No. 2, with the following Senate Floor Amendment No. 1 and Senate Committee Amendment No. 1 Title and respectfully requests concurrence of this Honorable Body.

Message received in regard to **HB 365**: The Senate has passed **HB 365** by way of Senate Committee Substitute with the following Senate Floor Amendment No. 1, Senate Floor Amendment No. 3, and Senate Floor Amendment No. 4 Title and respectfully requests concurrence of this Honorable Body.

Message received in regard to **HB 441**: The Senate has passed **HB 441** with the following Senate Committee Amendment No. 1, Senate Floor Amendment No. 2, Senate Floor Amendment No. 1, Senate Floor Amendment No. 3, and Senate Committee Amendment No. 2 Title and respectfully requests concurrence of this Honorable Body.

Message received in regard to **HB 510**: The Senate has passed **HB 510** with the following Senate Floor Amendment No. 1 and respectfully requests concurrence of this Honorable Body.

Message received in regard to **HB 595**: The Senate has passed **HB 595** by way Committee Substitute with the following Senate Floor Amendment No. 4 and Senate Committee Amendment No. 1 Title and respectfully requests concurrence of this Honorable Body.

Message received in regard to **HB 627**: The Senate has passed **HB 627** by way of Committee Substitute and respectfully requests concurrence of this Honorable Body.

Message received in regard to **HB 708**: The Senate has passed **HB 708** by way of Committee Substitute with the following Senate Floor Amendment No. 1 and respectfully requests concurrence of this Honorable Body.

Message received in regard to **HJR 11**: The Senate has passed **HJR 11** by way of Committee Substitute with the following Senate Floor Amendment No. 1 and Senate Committee Amendment No. 1 Title and respectfully requests concurrence of this Honorable Body. (12:45 p.m.)

Orders of the Day (Continued)

HB 362, with Senate Committee Substitute and Senate Committee Amendments attached thereto, taken from the Orders of the Day. Representative Adkins moved that it be placed upon its passage for concurrence or non concurrence. Agreed.

The Senate Committee Substitute No. 2 to **HB 362** is as follows:

HB 362, AN ACT relating to containers for wine and distilled spirits.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 244 IS CREATED TO READ AS FOLLOWS:

The General Assembly finds that Sections 1 to 3 of this Act are necessary in order to:

(1) Provide an orderly three (3) tier system for the distribution and sale of quality malt beverages in the Commonwealth of Kentucky;

(2) Promote the public health, safety, and welfare of the people of the Commonwealth of Kentucky; and

(3) Provide a distribution system of malt beverages that will facilitate the collection and accountability of state and local taxes.

SECTION 2. A NEW SECTION OF KRS CHAPTER 244 IS CREATED TO READ AS FOLLOWS:

As used in Sections 1 to 3 of this Act, unless the context requires otherwise:

(1) "Good cause" means failure by a distributor to comply with the provisions of an agreement as delineated therein, which provisions are not unconscionable. Good cause shall not include:

(a) The failure or refusal of the distributor to engage in any trade practice or activity which would violate federal or state law;

(b) The failure or refusal of the distributor to take any action which would be contrary to these provisions;

(c) The sale or purchase of a brewer or importer; and

(d) The implementation by a brewer or importer of a national or regional policy of consolidation unless the policy:

1. Is reasonable, nondiscriminatory, and essential;

2. Results in a contemporaneous reduction in the number of a brewer's or importer's distributors not only for a brand in this state, but also for that brand in contiguous states or in a majority of the state in which the brewer or importer sells that brand; and

3. Was previously disclosed in writing and in reasonable detail by the brewer or importer implementing the policy to all affected distributors at least one hundred eighty (180) days prior to the implementation of the policy.

The term "affected distributor" means distributors who may reasonably be expected to experience a loss or diminishment of a right to distribute a brand, in whole or in part as a consequence of a proposed consolidation policy.

(2) "Good faith" means honesty in fact and the observance of reasonable commercial standard of fair dealing in the trade, as defined under KRS Chapter 355.

SECTION 3. A NEW SECTION OF KRS CHAPTER 244 IS CREATED TO READ AS FOLLOWS:

(1) Every brewer and importer of malt beverages shall contract and agree in writing with each of its distributors to provide and specify the rights and duties of the brewer, the importer, and the distributor with and in regard to the sale of the products of the brewer or the importer within the Commonwealth of Kentucky. The terms and provisions of the contracts shall comply with and conform to Sections 1 to 3 of this Act and to all other applicable statutes.

(2) The terms or provisions of any contract or agreement among any brewers, importers, or distributors, including contracts or agreements entered into after the effective date of this Act and any renewals or extensions of contracts existing prior to the effective date of this Act, shall not permit a brewer or importer of malt beverages to:

(a) Terminate, refuse to renew, or refuse to enter into an agreement, in part or in whole, with a distributor, except for good cause and in good faith;

(b) Terminate, refuse to renew, or refuse to enter into an agreement, in part or in whole, with a distributor without first giving the distributor written notice of any alleged deficiency on the part of the distributor and giving the distributor a reasonable opportunity of sixty (60) to one hundred twenty (120) days to cure the alleged deficiency;

(c) Unreasonably withhold timely consent to a proposed sale or transfer, in part or whole, of the stock or assets of the distributor, and in no event shall the brewer take more than thirty (30) days to approve or disapprove the

proposed sale or transfer after the brewer has received written notice of the proposal from the distributor and received all requested information from the distributor to enable the brewer to pass upon the proposed sale or transfer;

(d) Assign an agreement, in part or in whole, with a distributor, except with consent from the distributor which shall not be unreasonably withheld. No consent is required where the distributor has proposed to transfer an ownership interest in its business and the brewer exercises its right to purchase this ownership interest in accordance with a written agreement between the brewer and distributor, subject to the brewer or its designee purchasing the ownership interest at the price and on the conditions applicable to the proposed change.

(e) Enter into a contract with more than one (1) distributor to sell any of its products or brand within the same territory or area at the same time. This paragraph shall not apply to contracts entered into prior to January 1, 2004, or future renewals of such contracts, to the extent the existing contract and the future renewal allow different distributors to sell certain but not all of the brewer's or importer's brands or brand extensions within the same territory or area at the same time;

(f) Unilaterally amend its agreement or any document referred to or incorporated by reference in its agreement, with any distributor, except modifications contemplated by the brewer-distributor agreement which modifications occur after written notice to the distributor or amendments that occur by a brewer after having consulted with an advisory panel of distributors;

(g) Terminate an agreement with a distributor because the distributor refuses or fails to accept an unreasonable amendment to the agreement proposed by the brewer or importer;

(h) Require a distributor to arbitrate disputes which may arise between it and the brewer or the importer unless mutually agreed to by the parties to the agreement;

(i) Preclude a distributor from litigating in state or federal courts located in Kentucky or from litigating under the laws of the Commonwealth;

(j) Retaliate against its distributor in the application of the terms of a written agreement;

(k) Unreasonably fail to consent to the distributor's designation of an individual as the distributor's manager or successor-manager in accordance with nondiscriminatory and reasonable qualifications and standards; or

(l) Withdraw approval of an individual as the distributor's manager or successor-manager without just cause.

(3) Notwithstanding the provisions in subsection (2) of this section, a brewer or importer of malt beverages may terminate an agreement with a distributor if any of the following occur:

(a) The assignment or attempted assignment by the distributor for the benefit of creditors, the institution of proceedings in bankruptcy by or against the distributor, the dissolution or liquidation of the distributor, the insolvency of the distributor or the distributor's failure to pay for malt beverages in accordance with the agreed terms; or

(b) Failure of any owner of the distributor to sell his or her ownership interest within one hundred twenty (120) days after the later of:

1. The owner having been convicted of a felony which, in the sole judgment of the brewer, may adversely affect the goodwill or interests of the distributor or the brewer, or the brewer learns of the conviction;

2. Fraudulent conduct of the distributor in any of its dealings with the brewer or the brewer's products;

3. Revocation or suspension for more than thirty-one (31) days of the distributor's federal basic permit or any state or local license required of the distributor for the normal operation of its business;

4. Sale of malt beverages by a distributor outside its sales territory prescribed by the brewer in accordance with KRS 244.585; or

5. Without brewer consent, the distributor engaging in changes in ownership or possession of ownership interests, the establishment of trusts or other ownership interest, entering into buy-sell agreements, or granting an option to purchase an ownership interest.

(4) During the term of a contract or agreement between the brewer or importer and a distributor, including contracts or agreements in existence prior to the effective date of this Act, the distributor shall, in accordance with the provisions of such contract or agreement, maintain physical facilities and personnel so that the product and brand of the brewer or importer are properly represented in the territory of the distributor, the reputation and trade name of the brewer or importer are reasonably protected, and the public is serviced. The brewer, importer, and distributor shall act in good faith at all times during the term of the contract or agreement.

(5) Any brewer, importer, or distributor who violates any provision of this section shall pay the injured brewer or distributor all reasonable damages sustained by it as a result of the brewer's, importer's, or distributor's violations, together with the costs incurred by the brewer or distributor in protecting its right. If a brewer or importer violates subsection (2)(a) or (b) of this section, the injured distributor's reasonable damages shall be the fair market value of the distributor's business, unless there are liquidated damages agreed by the parties in the agreement. In determining the fair market value of the wholesaler's or distributor's business, proper and full consideration shall be given to all

elements of value, including goodwill and going-concern value. The court may in its discretion consider attorney's fees reasonably incurred as a result of the prohibited conduct.

Section 4. KRS 244.590 is amended to read as follows:

No brewer or distributor shall induce through any of the following means any malt beverage retailer to purchase any malt beverages from him to the exclusion in whole or in part of malt beverages sold or offered for sale by other persons, if the brewer or distributor engages in the practice of using such means, or any of them, to such an extent as substantially to restrain or prevent transactions in commerce in malt beverages:

(1) By acquiring or holding, after the expiration of any existing license, any interest in any license with respect to the premises of the retailer;

(2) By acquiring any interest in real or personal property owned, occupied, or used by the retailer in the conduct of his business;

(3) By furnishing, giving, renting, lending or selling to the retailer, any equipment, fixtures, signs, supplies, money, services, or other things of value, except as the administrator of the malt beverage unit, having regard for the public health, the quantity and value of the articles involved, the prevention of monopoly and the practice of deception, may by regulation otherwise prescribe;

(4) By paying or crediting the retailer for any advertising, display or distribution service subject to the exceptions which the administrator may by regulation prescribe;

(5) By guaranteeing any loan or the repayment of any financial obligation of the retailer;~~[or]~~

(6) By requiring the retailer to take and dispose of a certain quota of any malt beverages*;*

(7) Notwithstanding any provisions in KRS Chapter 244 and this section, a brewer or distributor may:

(a) Give, rent, loan, or sell to a malt beverage retailer signs, posters, placards, designs, devices, decorations or graphic displays, bearing advertising matter and for use in windows or elsewhere in the interior of a retail malt beverage establishment; and

(b) Provide or furnish draught line cleaning or coil-cleaning service to a malt beverage retailer either directly or indirectly with the consent of the distributor.

Representative Jenkins moved that the House concur in the Senate Committee Substitute No. 2 to **HB 362**. Agreed.

Representative Jenkins moved that **HB 362**, by way of Senate Committee Substitute, be passed.

The Senate Committee Amendment No. 3 to the Senate Committee Substitute No. 2 to **HB 362** is as follows:

HB 362, On page 5, line 2, by deleting "*or*"'

On page 5, line 4 after after "*of*" by delting "*:*";

On page 5, line 5, by deleting "*1.*" and by making "*The*" lowercase;

On page 5, line 8, by deleting "*2.*" and by inserting "*(c)*" in lieu thereof with heading 2;

On page 5, line 10, by deleting "*3.*" and by inserting "*(d)*"in lieu thereof with heading 2;

On page 5, line 13, by deleting "*4.*" and by inserting "*(e)*"in lieu thereof with heading 2; and

On page 5, line 15, by deleting "*5.*" and by inserting "*(f)*"in lieu thereof with heading 2;

Representative Jenkins moved that the House concur in Senate Committee Amendment No. 3 to the Senate Committee Substitute to **HB 362**. Agreed.

Representative Jenkins moved that **HB 362**, by way of Senate Committee Substitute as amended by the Senate, be passed.

On the roll call the vote was: **Yeas 51, Nays 36.** (See March 29, 2004, roll call on **HB 362** - Appendix.)

HB 362, by way of Senate Committee Substitute as amended by the Senate, was passed.

The Senate Committee Amendment No. 2 Title to **HB 362** is as follows:

HB 362, Amend the title to read as follows: "AN ACT relating to alcoholic beverages."

Representative Jenkins moved that the House concur in Senate Committee Amendment No. 2 Title to **HB 362**.

Representative Jenkins moved that the vote by which **HB 362**, by way of Senate Committee Substitute as amended by the Senate, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 82, with Senate Committee Substitute attached thereto, taken from the Orders of the Day. Representative Adkins moved that it be placed upon its passage for concurrence or non concurrence. Agreed.

The Senate Committee Substitute to **HB 82** is as follows:

HB 82, AN ACT relating to communicable diseases.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 211.180 is amended to read as follows:

(1) The cabinet shall enforce the administrative regulations promulgated by the secretary of the Cabinet for Health Services for the regulation and control of the matters set out below and shall formulate, promote, establish, and execute policies, plans, and programs relating to all matters of public health, including but not limited to the following matters:

(a) Detection, prevention, and control of communicable diseases, chronic and degenerative diseases, dental diseases and abnormalities, occupational diseases and health hazards peculiar to industry, home accidents and health hazards, animal diseases which are transmissible to man, and other diseases and health hazards that may be controlled;

(b) The adoption of regulations specifying the information required in and a minimum time period for reporting a sexually transmitted disease. In adopting the regulations the cabinet shall consider the need for information, protection for the privacy and confidentiality of the patient, and the practical ability of persons and laboratories to report in a reasonable fashion. The cabinet shall require reporting of physician-diagnosed cases of acquired immunodeficiency syndrome based upon diagnostic criteria from the Centers for Disease Control and Prevention of the United States Public Health Service. No later than October 1, ***2004***~~[2000]~~, the cabinet shall require reporting of cases of human immunodeficiency virus infection by reporting of ***the name***~~[a unique code]~~ and other relevant data as requested by the Centers for Disease Control and Prevention and as further specified in KRS 214.645. Nothing in this section shall be construed to prohibit the cabinet from identifying infected patients when and if an effective cure for human immunodeficiency virus infection or any immunosuppression caused by human immunodeficiency virus is found or a treatment which would render a person noninfectious is found, for the purposes of offering or making the cure or treatment known to the patient.

(c) The control of insects, rodents, and other vectors of disease; the safe handling of food and food products; the safety of cosmetics; the control of narcotics, barbiturates, and other drugs as provided by law; the sanitation of schools, industrial establishments, and other public and semipublic buildings; the sanitation of state and county fairs and other similar public gatherings; the sanitation of public and semipublic recreational areas; the sanitation of public rest rooms, trailer courts, hotels, tourist courts, and other establishments furnishing public sleeping accommodations; the review, approval, or disapproval of plans for construction, modification, or extension of equipment related to food-handling in food-handling establishments; the licensure of hospitals; and the control of such other factors, not assigned by law to another agency, as may be necessary to insure a safe and sanitary environment;

(d) The construction, installation, and alteration of any on-site sewage disposal system, except for a system with a surface discharge;

(e) Protection and improvement of the health of expectant mothers, infants, preschool, and school-age children;

(f) The practice of midwifery, including the issuance of permits to and supervision of women who practice midwifery; and

(g) Protection and improvement of the health of the people through better nutrition.

(2) The secretary shall have authority to establish by regulation a schedule of reasonable fees, not to exceed twenty dollars ($20) per inspector hour plus travel costs pursuant to state regulations for travel reimbursement, to cover the costs of inspections of manufacturers, retailers, and distributors of consumer products as defined in the Federal Consumer Product Safety Act, 15 U.S.C. secs. 2051 et seq.; 86 Stat. 1207 et seq. or amendments thereto, and of youth camps for the purpose

of determining compliance with the provisions of this section and the regulations adopted by the secretary pursuant thereto. Fees collected by the secretary shall be deposited in the State Treasury and credited to a revolving fund account for the purpose of carrying out the provisions of this section. The balance of the account shall lapse to the general fund at the end of each biennium.

(3) Any administrative hearing conducted under authority of this section shall be conducted in accordance with KRS Chapter 13B.

Section 2. KRS 214.181 is amended to read as follows:

(1) The General Assembly finds that the use of tests designed to reveal a condition indicative of human immunodeficiency virus (HIV) infection can be a valuable tool in protecting the public health. The General Assembly finds that despite current scientific knowledge that zidovudine (AZT) prolongs the lives of acquired immunodeficiency syndrome victims, and may also be effective when introduced in the early stages of human immunodeficiency virus infection, many members of the public are deterred from seeking testing because they misunderstand the nature of the test or fear that test results will be disclosed without their consent. The General Assembly finds that the public health will be served by facilitating informed, voluntary, and confidential use of tests designed to detect human immunodeficiency virus infection.

(2) A person who has signed a general consent form for the performance of medical procedures and tests is not required to also sign or be presented with a specific consent form relating to medical procedures or tests to determine human immunodeficiency virus infection, antibodies to human immunodeficiency virus, or infection with any other causative agent of acquired immunodeficiency syndrome that will be performed on the person during the time in which the general consent form is in effect. However, a general consent form shall instruct the patient that, as part of the medical procedures or tests, the patient may be tested for human immunodeficiency virus infection, hepatitis, or any other blood-borne infectious disease if a doctor orders the test for diagnostic purposes. Except as otherwise provided in subsection (5)(c) of this section, the results of a test or procedure to determine human immunodeficiency virus infection, antibodies to human immunodeficiency virus, or infection with any probable causative agent of acquired immunodeficiency syndrome performed under the authorization of a general consent form shall be used only for diagnostic or other purposes directly related to medical treatment.

(3) In any emergency situation where informed consent of the patient cannot reasonably be obtained before providing health-care services, there is no requirement that a health-care provider obtain a previous informed consent.

(4) The physician who orders the test pursuant to subsections (1) and (2) of this section, or the attending physician, shall be responsible for informing the patient of the results of the test if the test results are positive for human immunodeficiency virus infection. If the tests are positive, the physician shall also be responsible for either:

  (a) Providing information and counseling to the patient concerning his infection or diagnosis and the known medical implications of such status or condition; or

  (b) Referring the patient to another appropriate professional or health-care facility for the information and counseling.

(5) (a) No person in this state shall perform a test designed to identify the human immunodeficiency virus, or its antigen or antibody, without first obtaining the informed consent of the person upon whom the test is being performed, except as specified in subsections (2) and (3) of this section.

  (b) No test result shall be determined as positive, and no positive test result shall be revealed to any person, without corroborating or confirmatory tests being conducted.

  (c) No person who has obtained or has knowledge of a test result pursuant to this section shall disclose or be compelled to disclose the identity of any person upon whom a test is performed, or the results of the test in a manner which permits identification of the subject of the test, except to the following persons:

    1. The subject of the test or the subject's legally authorized representative;

    2. Any person designated in a legally effective release of the test results executed prior to or after the test by the subject of the test or the subject's legally authorized representative;

    3. A physician, nurse, or other health-care personnel who has a legitimate need to know the test result in order to provide for his protection and to provide for the patient's health and welfare;

    4. Health-care providers consulting between themselves or with health-care facilities to determine diagnosis and treatment;

    5. The cabinet, in accordance with rules for reporting and controlling the spread of disease, as otherwise provided by state law;

    6. A health facility or health-care provider which procures, processes, distributes, or uses:

      a. A human body part from a deceased person, with respect to medical information regarding that person; or

      b. Semen provided prior to the effective date of this section for the purpose of artificial insemination;

    7. Health facility staff committees, for the purposes of conducting program monitoring, program evaluation, or service reviews;

8. Authorized medical or epidemiological researchers who shall not further disclose any identifying characteristics or information;

9. A person allowed access by a court order that is issued in compliance with the following provisions:

   a. No court of this state shall issue an order to permit access to a test for human immunodeficiency virus performed in a medical or public health setting to any person not authorized by this section or by KRS 214.420. A court may order an individual to be tested for human immunodeficiency virus only if the person seeking the test results has demonstrated a compelling need for the test results which cannot be accommodated by other means. In assessing compelling need, the court shall weigh the need for testing and disclosure against the privacy interest of the test subject and the public interest which may be disserved by disclosure which deters blood, organ, and semen donation and future human-immunodeficiency-virus-related testing or which may lead to discrimination. This paragraph shall not apply to blood bank donor records;

   b. Pleadings pertaining to disclosure of test results shall substitute a pseudonym for the true name of the subject of the test. The disclosure to the parties of the subject's true name shall be communicated confidentially, in documents not filed with the court;

   c. Before granting any order, the court shall provide the individual whose test result is in question with notice and a reasonable opportunity to participate in the proceedings if he or she is not already a party;

   d. Court proceedings as to disclosure of test results shall be conducted in camera, unless the subject of the test agrees to a hearing in open court or unless the court determines that a public hearing is necessary to the public interest and the proper administration of justice;

   e. Upon the issuance of an order to disclose test results, the court shall impose appropriate safeguards against unauthorized disclosure, which shall specify the persons who may have access to the information, the purposes for which the information shall be used, and appropriate prohibitions on future disclosure.

No person to whom the results of a test have been disclosed shall disclose the test results to another person except as authorized by this subsection. When disclosure is made pursuant to this subsection, it shall be accompanied by a statement in writing that includes the following or substantially similar language: "This information has been disclosed to you from records whose confidentiality is protected by state law. State law prohibits you from making any further disclosure of such information without the specific written consent of the person to whom such information pertains, or as otherwise permitted by state law. A general authorization for the release of medical or other information is NOT sufficient for this purpose." An oral disclosure shall be accompanied by oral notice and followed by a written notice within ten (10) days.

(6) (a) The Cabinet for Health Services shall establish a network of voluntary human immunodeficiency virus testing programs in every county in the state. These programs shall be conducted in each public health department established under the provisions of KRS Chapter 212. Additional programs may be contracted to other private providers to the extent that finances permit and local circumstances dictate.

(b) Each public health department shall have the ability to provide counseling and testing for the human immunodeficiency virus to each patient who receives services and shall offer the testing on a voluntary basis to each patient who requests the test.

(c) Each public health department shall provide a program of counseling and testing for human immunodeficiency virus infection, on an anonymous or confidential basis, dependent on the patient's desire. If the testing is performed on an anonymous basis, only the statistical information relating to a positive test for human immunodeficiency virus infection shall be reported to the cabinet. If the testing is performed on a confidential basis, the ***name***[~~unique code~~] and other information specified under KRS 214.645 shall be reported to the cabinet. The cabinet shall continue to provide for anonymous testing and counseling.

(d) The result of a serologic test conducted under the auspices of the cabinet shall not be used to determine if a person may be insured for disability, health, or life insurance or to screen or determine suitability for, or to discharge a person from, employment. Any person who violates the provisions of this subsection shall be guilty of a Class A misdemeanor.

(7) No public health department and no other private or public facility ***shall be*** established for the primary purpose of conducting a testing program for acquired immunodeficiency syndrome, acquired immunodeficiency syndrome related complex, or human immunodeficiency virus status without first registering with the cabinet, complying with all other applicable provisions of state law, and meeting the following requirements:

(a) The program shall be directed by a person who has completed an educational course approved by the cabinet in the counseling of persons with acquired immunodeficiency syndrome, acquired immunodeficiency syndrome related complex, or human immunodeficiency virus infection;

(b) The program shall have all medical care supervised by a physician licensed under the provisions of KRS Chapter

311;

(c) The program shall have all laboratory procedures performed in a laboratory licensed under the provisions óf KRS Chapter 333;

(d) Informed consent shall be required prior to testing. Informed consent shall be preceded by an explanation of the test, including its purpose, potential uses, and limitations and the meaning of its results;

(e) The program, unless it is a blood donor center, shall provide pretest counseling on the meaning of a test for human immunodeficiency virus, including medical indications for the test; the possibility of false positive or false negative results; the potential need for confirmatory testing; the potential social, medical, and economic consequences of a positive test result; and the need to eliminate high-risk behavior;

(f) The program shall provide supplemental corroborative testing on all positive test results before the results of any positive test is provided to the patient;

(g) The program shall provide post-test counseling, in person, on the meaning of the test results; the possible need for additional testing; the social, medical, and economic consequences of a positive test result; and the need to eliminate behavior which might spread the disease to others;

(h) Each person providing post-test counseling to a patient with a positive test result shall receive specialized training, to be specified by regulation of the cabinet, about the special needs of persons with positive results, including recognition of possible suicidal behavior, and shall refer the patient for further health and social services as appropriate;

(i) When services are provided for a charge during pretest counseling, testing, supplemental testing, and post-test counseling, the program shall provide a complete list of all charges to the patient and the cabinet; and

(j) Nothing in this subsection shall be construed to require a facility licensed under KRS Chapter 333 or a person licensed under the provisions of KRS Chapters 311, 312, or 313 to register with the cabinet if he or she does not advertise or hold himself out to the public as conducting testing programs for human immunodeficiency virus infection or specializing in such testing.

(8) Any violation of this section by a licensed health-care provider shall be a ground for disciplinary action contained in the professional's respective licensing chapter.

(9) Except as provided in subsection (6)(d) of this section, insurers and others participating in activities related to the insurance application and underwriting process shall be exempt from this section.

(10) The cabinet shall develop program standards consistent with the provisions of this section for counseling and testing persons for the human immunodeficiency virus.

Section 3. KRS 214.625 is amended to read as follows:

(1) The General Assembly finds that the use of tests designed to reveal a condition indicative of human immunodeficiency virus (HIV) infection can be a valuable tool in protecting the public health. The General Assembly finds that despite current scientific knowledge that zidovudine (AZT) prolongs the lives of acquired immunodeficiency syndrome victims, and may also be effective when introduced in the early stages of human immunodeficiency virus infection, many members of the public are deterred from seeking testing because they misunderstand the nature of the test or fear that test results will be disclosed without their consent. The General Assembly finds that the public health will be served by facilitating informed, voluntary, and confidential use of tests designed to detect human immunodeficiency virus infection.

(2) A person who has signed a general consent form for the performance of medical procedures and tests is not required to also sign or be presented with a specific consent form relating to medical procedures or tests to determine human immunodeficiency virus infection, antibodies to human immunodeficiency virus, or infection with any other causative agent of acquired immunodeficiency syndrome that will be performed on the person during the time in which the general consent form is in effect. However, a general consent form shall instruct the patient that, as part of the medical procedures or tests, the patient may be tested for human immunodeficiency virus infection, hepatitis, or any other blood-borne infectious disease if a doctor orders the test for diagnostic purposes. Except as otherwise provided in subsection (5)(c) of this section, the results of a test or procedure to determine human immunodeficiency virus infection, antibodies to human immunodeficiency virus, or infection with any probable causative agent of acquired immunodeficiency syndrome performed under the authorization of a general consent form shall be used only for diagnostic or other purposes directly related to medical treatment.

(3) In any emergency situation where informed consent of the patient cannot reasonably be obtained before providing health-care services, there is no requirement that a health-care provider obtain a previous informed consent.

(4) The physician who orders the test pursuant to subsections (1) and (2) of this section, or the attending physician, shall be responsible for informing the patient of the results of the test if the test results are positive for human immunodeficiency virus infection. If the tests are positive, the physician shall also be responsible for either:

(a) Providing information and counseling to the patient concerning his infection or diagnosis and the known medical implications of such status or condition; or

(b) Referring the patient to another appropriate professional or health-care facility for the information and counseling.

(5) (a) No person in this state shall perform a test designed to identify the human immunodeficiency virus, or its antigen or antibody, without first obtaining the informed consent of the person upon whom the test is being performed, except as specified in subsections (2) and (3) of this section.

(b) No test result shall be determined as positive, and no positive test result shall be revealed to any person, without corroborating or confirmatory tests being conducted.

(c) No person who has obtained or has knowledge of a test result pursuant to this section shall disclose or be compelled to disclose the identity of any person upon whom a test is performed, or the results of the test in a manner which permits identification of the subject of the test, except to the following persons:

1. The subject of the test or the subject's legally authorized representative;
2. Any person designated in a legally effective release of the test results executed prior to or after the test by the subject of the test or the subject's legally authorized representative;
3. A physician, nurse, or other health-care personnel who has a legitimate need to know the test result in order to provide for his protection and to provide for the patient's health and welfare;
4. Health-care providers consulting between themselves or with health-care facilities to determine diagnosis and treatment;
5. The cabinet, in accordance with rules for reporting and controlling the spread of disease, as otherwise provided by state law;
6. A health facility or health-care provider which procures, processes, distributes, or uses:
    a. A human body part from a deceased person, with respect to medical information regarding that person; or
    b. Semen provided prior to July 13, 1990, for the purpose of artificial insemination;
7. Health facility staff committees, for the purposes of conducting program monitoring, program evaluation, or service reviews;
8. Authorized medical or epidemiological researchers who shall not further disclose any identifying characteristics or information;
9. A parent, foster parent, or legal guardian of a minor; a crime victim; or a person specified in KRS 438.250;
10. A person allowed access by a court order which is issued in compliance with the following provisions:
    a. No court of this state shall issue an order to permit access to a test for human immunodeficiency virus performed in a medical or public health setting to any person not authorized by this section or by KRS 214.420. A court may order an individual to be tested for human immunodeficiency virus only if the person seeking the test results has demonstrated a compelling need for the test results which cannot be accommodated by other means. In assessing compelling need, the court shall weigh the need for testing and disclosure against the privacy interest of the test subject and the public interest which may be disserved by disclosure which deters blood, organ, and semen donation and future human immunodeficiency virus-related testing or which may lead to discrimination. This paragraph shall not apply to blood bank donor records;
    b. Pleadings pertaining to disclosure of test results shall substitute a pseudonym for the true name of the subject of the test. The disclosure to the parties of the subject's true name shall be communicated confidentially, in documents not filed with the court;
    c. Before granting any order, the court shall provide the individual whose test result is in question with notice and a reasonable opportunity to participate in the proceedings if he is not already a party;
    d. Court proceedings as to disclosure of test results shall be conducted in camera, unless the subject of the test agrees to a hearing in open court or unless the court determines that a public hearing is necessary to the public interest and the proper administration of justice; and
    e. Upon the issuance of an order to disclose test results, the court shall impose appropriate safeguards against unauthorized disclosure, which shall specify the persons who may have access to the information, the purposes for which the information shall be used, and appropriate prohibitions on future disclosure.

No person to whom the results of a test have been disclosed shall disclose the test results to another person except as authorized by this subsection. When disclosure is made pursuant to this subsection, it shall be accompanied by a statement in writing which includes the following or substantially similar language: "This information has been disclosed to you from records whose confidentiality is protected by state law. State law prohibits you from making any further disclosure of such information without the specific written consent of the person to whom such information pertains, or as otherwise permitted by state law. A general authorization for the release of medical or other information is NOT sufficient for this purpose." An oral disclosure shall be accompanied by oral notice and followed by a written notice within ten (10) days.

(6) (a) The Cabinet for Health Services shall establish a network of voluntary human immunodeficiency virus testing programs in every county in the state. These programs shall be conducted in each public health department established under the provisions of KRS Chapter 211. Additional programs may be contracted to other private providers to the extent that finances permit and local circumstances dictate.

(b) Each public health department shall have the ability to provide counseling and testing for the human immunodeficiency virus to each patient who receives services and shall offer the testing on a voluntary basis to each patient who requests the test.

(c) Each public health department shall provide a program of counseling and testing for human immunodeficiency virus infection, on an anonymous or confidential basis, dependent on the patient's desire. If the testing is performed on an anonymous basis, only the statistical information relating to a positive test for human immunodeficiency virus infection shall be reported to the cabinet. If the testing is performed on a confidential basis, the ***name***[~~unique code~~] and other information specified in KRS 214.645 shall be reported to the cabinet. The cabinet shall continue to provide for anonymous testing and counseling.

(d) The result of a serologic test conducted under the auspices of the cabinet shall not be used to determine if a person may be insured for disability, health, or life insurance or to screen or determine suitability for, or to discharge a person from, employment. Any person who violates the provisions of this subsection shall be guilty of a Class A misdemeanor.

(7) No public health department and no other person in this state shall conduct or hold themselves out to the public as conducting a testing program for acquired immunodeficiency syndrome, acquired immunodeficiency syndrome related complex, or human immunodeficiency virus status without first registering with the cabinet, complying with all other applicable provisions of state law, and meeting the following requirements:

(a) The program shall be directed by a person who has completed an educational course approved by the cabinet in the counseling of persons with acquired immunodeficiency syndrome, acquired immunodeficiency syndrome related complex, or human immunodeficiency virus infection;

(b) The program shall have all medical care supervised by a physician licensed under the provisions of KRS Chapter 311;

(c) The program shall have all laboratory procedures performed in a laboratory licensed under the provisions of KRS Chapter 333;

(d) Informed consent shall be required prior to testing. Informed consent shall be preceded by an explanation of the test, including its purpose, potential uses, and limitations and the meaning of its results;

(e) The program, unless it is a blood donor center, shall provide pretest counseling on the meaning of a test for human immunodeficiency virus, including medical indications for the test; the possibility of false positive or false negative results; the potential need for confirmatory testing; the potential social, medical, and economic consequences of a positive test result; and the need to eliminate high-risk behavior;

(f) The program shall provide supplemental corroborative testing on all positive test results before the results of any positive test is provided to the patient;

(g) The program shall provide post-test counseling, in person, on the meaning of the test results; the possible need for additional testing; the social, medical, and economic consequences of a positive test result; and the need to eliminate behavior which might spread the disease to others;

(h) Each person providing post-test counseling to a patient with a positive test result shall receive specialized training, to be specified by regulation of the cabinet, about the special needs of persons with positive results, including recognition of possible suicidal behavior, and shall refer the patient for further health and social services as appropriate;

(i) When services are provided for a charge during pretest counseling, testing, supplemental testing, and post-test counseling, the program shall provide a complete list of all charges to the patient and the cabinet; and

(j) Nothing in this subsection shall be construed to require a facility licensed under KRS Chapter 333 or a person licensed under the provisions of KRS Chapters 311, 312, or 313 to register with the cabinet if he or she does not advertise or hold himself or herself out to the public as conducting testing programs for human immunodeficiency virus infection or specializing in such testing.

(8) Any violation of this section by a licensed health-care provider shall be a ground for disciplinary action contained in the professional's respective licensing chapter.

(9) Except as provided in subsection (6)(d) of this section and KRS 304.12-013, insurers and others participating in activities related to the insurance application and underwriting process shall be exempt from this section.

(10) The cabinet shall develop program standards consistent with the provisions of this section for counseling and testing persons for the human immunodeficiency virus.

Section 4. KRS 214.645 is amended to read as follows:

(1) The Cabinet for Health Services shall establish a system for reporting, by the use of ***the person's name***[~~a unique code~~], of

all persons who test positive for the human immunodeficiency virus (HIV) infection. The reporting shall include the data including, but not limited to, CD4 count and viral load, and other information that are necessary to comply with the confidentiality and reporting requirements of the most recent edition of the Centers for Disease Control and Prevention's (CDC) Guidelines for National Human Immunodeficiency Virus Case Surveillance. As recommended by the CDC, anonymous testing shall remain as an alternative. If less restrictive data identifying requirements are identified by the CDC, the cabinet shall evaluate the new requirements for implementation.

(2) The reporting system established under subsection (1) of this section shall:

(a) Use ***the same confidential name-based approach for HIV surveillance that is used for AIDS surveillance***[~~a unique code that consists of any combination of initials, the last four (4) numbers of the Social Security number, birth date, or other information to be determined~~] by the cabinet;

(b) Attempt to identify all modes of HIV transmission, unusual clinical or virologic manifestations, and other cases of public health importance;

(c) Require collection of the ***names***[~~unique code~~] and data from all private and public sources of HIV-related testing and care services; and

(d) Use reporting methods that match the CDC's standards for completeness, timeliness, and accuracy, and follow up, as necessary, with the health care provider making the report to verify completeness, timeliness, and accuracy.

(3) Authorized surveillance staff designated by the cabinet shall:

(a) Match the information from the reporting system to other public health databases, wherever possible, to limit duplication and to better quantify the extent of HIV infection in the Commonwealth;

(b) Conduct a biennial assessment of the HIV and AIDS reporting systems, insure that the assessment is available for review by the public and any state or federal agency, and forward a copy of the assessment to the Legislative Research Commission and the Interim Joint Committee on Health and Welfare;

(c) Document the security policies and procedures and insure their availability for review by the public or any state or federal agency;

(d) Minimize storage and retention of unnecessary paper or electronic reports and insure that related policies are consistent with CDC technical guidelines;

(e) Assure that electronic transfer of data is protected by encryption during transfer;

(f) Provide that records be stored in a physically secluded area and protected by coded passwords and computer encryption;

(g) Restrict access to data a minimum number of authorized surveillance staff who are designated by a responsible authorizing official, who have been trained in confidentiality procedures, and who are aware of penalties for unauthorized disclosure of surveillance information;

(h) Require that any other public health program that receives data has appropriate security and confidentiality protections and penalties;

(i) Restrict use of data, from which identifying information has been removed, to cabinet-approved research, and require all persons with this use to sign confidentiality statements;

(j) Prohibit release of any ***names***[~~unique codes~~] or any other identifying information that may have been received in a report to any person or organization, whether public or private, except in compliance with federal law or consultations with other state surveillance programs and reporting sources. Under no circumstances shall a ***name***[~~unique code~~] or any identifying information be reported to the CDC; and

(k) Immediately investigate any report of breach of reporting, surveillance, or confidentiality policy, report the breach to the CDC, develop recommendations for improvements in security measure, and take appropriate disciplinary action for any documented breach.

(4) The cabinet shall require any physician or medical laboratory that receives a report of a positive test for the human immunodeficiency virus to report that information by reference to the ***name***[~~unique code~~] in accordance with the procedure for establishing ***name reporting required***[~~the unique code established~~] by the cabinet in an administrative regulation.[~~ The physician and medical laboratory shall maintain a log with the name of the patient who tested positive and the unique identifier assigned.~~]

SECTION 5. A NEW SECTION OF KRS CHAPTER 214 IS CREATED TO READ AS FOLLOWS:

(1) A person who discloses, intentionally in violation of subsection (5)(c) of Section 2 of this Act or subsection (5)(c) of Section 3 of this Act, the identity of a person upon whom has been conducted a test to detect human immunodeficiency virus infection shall be guilty of a Class A misdemeanor.

(2) A person who intentionally releases any name or other identifying information in violation of subsection (3)(j) of Section 4 of this Act shall be guilty of a Class A misdemeanor.

Representative Burch moved that the House concur in the Senate Committee Substitute to **HB 82**. Agreed.

Representative Burch moved that **HB 82**, by way of Senate Committee Substitute, be passed.

On the roll call the vote was: **Yeas 95, Nays 0.** (See March 29, 2004, roll call on **HB 82** - Appendix.)

HB 82, by way of Senate Committee Substitute, was passed and the title agreed to.

Representative Burch moved that the vote by which **HB 82**, by way of Senate Committee Substitute, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 593, with Senate Floor Amendment attached thereto, taken from the Orders of the Day. Representative Adkins moved that it be placed upon its passage for concurrence or non concurrence. Agreed.

The Senate Floor Amendment No. 1 to **HB 593** is as follows:

HB 593, On page 72, after line 18, by inserting:

"Section 23. KRS 148.851 is amended to read as follows:

As used in KRS 139.536 and KRS 148.851 to 148.860, unless the context clearly indicates otherwise:

(1) "Agreement" means a tourism attraction agreement entered into, pursuant to KRS 148.859, on behalf of the authority and an approved company, with respect to a tourism attraction project;

(2) "Approved company" means any eligible company approved by the secretary of the Tourism Development Cabinet and the authority pursuant to KRS 148.859 that is seeking to undertake a tourism attraction project;

(3) "Approved costs" means:

  (a) Obligations incurred for labor and to vendors, contractors, subcontractors, builders, suppliers, deliverymen, and materialmen in connection with the acquisition, construction, equipping, and installation of a tourism attraction project;

  (b) The costs of acquiring real property or rights in real property and any costs incidental thereto;

  (c) The cost of contract bonds and of insurance of all kinds that may be required or necessary during the course of the acquisition, construction, equipping, and installation of a tourism attraction project which is not paid by the vendor, supplier, deliveryman, contractor, or otherwise provided;

  (d) All costs of architectural and engineering services, including but not limited to: estimates, plans and specifications, preliminary investigations, and supervision of construction and installation, as well as for the performance of all the duties required by or consequent to the acquisition, construction, equipping, and installation of a tourism attraction project;

  (e) All costs required to be paid under the terms of any contract for the acquisition, construction, equipping, and installation of a tourism attraction project;

  (f) All costs required for the installation of utilities, including but not limited to: water, sewer, sewer treatment, gas, electricity and communications, and including off-site construction of the facilities paid for by the approved company; and

  (g) All other costs comparable with those described in this subsection;

(4) "Authority" means the Kentucky Tourism Development Finance Authority as set forth in KRS 148.850;

(5) "Crafts and products center" means a facility primarily devoted to the display, promotion, and sale of Kentucky products, and at which a minimum of eighty percent (80%) of the sales occurring at the facility are of Kentucky arts, crafts, or agricultural products;

(6) "Eligible company" means any corporation, limited liability company, partnership, registered limited liability partnership, sole proprietorship, business trust, or any other entity operating or intending to operate a tourism attraction project, whether owned or leased, within the Commonwealth that meets the standards promulgated by the secretary of the Tourism Development Cabinet pursuant to KRS 148.855. An eligible company may operate or intend to operate directly or indirectly through a lessee;

(7) "Entertainment destination center" means a facility containing a minimum of two hundred thousand (200,000) square feet of building space adjacent or complementary to an existing tourism attraction, an approved tourism attraction project, or a major convention facility, and which provides a variety of entertainment and leisure options that contain at least one (1) major themed restaurant and at least three (3) additional entertainment venues, including but not limited to live entertainment, multiplex theaters, large format theaters, motion simulators, family entertainment centers, concert halls, virtual reality or other interactive games, museums, exhibitions, or other cultural and leisure time activities. Entertainment and food and drink options shall occupy a minimum of sixty percent (60%) of total gross area available for lease, and other retail stores shall occupy no more than forty percent (40%) of the total gross area available for lease;

(8) "Final approval" means the action taken by the authority authorizing the eligible company to receive inducements under

KRS 139.536 and KRS 148.851 to 148.860;

(9) "Inducements" means the Kentucky sales tax refund as prescribed in KRS 139.536;

(10) "Preliminary approval" means the action taken by the authority conditioning final approval by the authority upon satisfaction by the eligible company of the requirements of KRS 139.536 and KRS 148.851 to 148.860;

(11) "State agency" means any state administrative body, agency, department, or division as defined in KRS 42.005, or any board, commission, institution, or division exercising any function of the state that is not an independent municipal corporation or political subdivision;

(12) "Theme restaurant destination attraction" means a restaurant facility that[~~ has~~]:

(a) *Has* construction, equipment, and furnishing costs in excess of five million dollars ($5,000,000);

(b) *Has an*[~~Seating capacity of four hundred fifty (450) guests, of which an~~] annual average of not less than fifty percent (50%) *of*[~~shall be~~] guests who are not residents of the Commonwealth;

(c) *Is*[~~Business plans that indicate that the attraction shall be~~] in operation and open to the public no less than three hundred (300) days per year and for no less than eight (8) hours per day;

(d)[~~ Business plans that indicate that the attraction shall offer live music or live musical and theatrical entertainment during the peak business hours that the facility is in operation and open to the public, and shall offer a unique dining and cultural experience that is not available elsewhere in the Commonwealth; and~~

~~(e)~~] *Has* food and nonalcoholic drink options that constitute a minimum of fifty percent (50%) of total gross sales receipts; *and*

(e) 1. Has seating capacity of four hundred fifty (450) guests and offers live music or live musical and theatrical entertainment during the peak business hours that the facility is in operation and open to the public;

2. Within three (3) years of the completion date pursuant to KRS 148.859(1)(b), holds a top two (2) tier rating by a nationally accredited service; or

3. Offers a unique dining experience that is not available in the Commonwealth within a one hundred (100) mile radius of the attraction;

(13) "Tourism attraction" means a cultural or historical site, a recreation or entertainment facility, an area of natural phenomenon or scenic beauty, a Kentucky crafts and products center, a theme restaurant destination attraction, or an entertainment destination center. A tourism attraction shall not include any of the following:

(a) Lodging facilities, unless:

1. The facilities constitute a portion of a tourism attraction project and represent less than fifty percent (50%) of the total approved cost of the tourism attraction project, or the facilities are to be located on recreational property owned or leased by the Commonwealth or federal government and the facilities have received prior approval from the appropriate state or federal agency;

2. The facilities involve the restoration or rehabilitation of a structure that is listed individually in the National Register of Historic Places or are located in a National Register Historic District and certified by the Kentucky Heritage Council as contributing to the historic significance of the district, and the rehabilitation or restoration project has been approved in advance by the Kentucky Heritage Council;[~~ or~~]

3. The facilities involve the reconstruction, restoration, rehabilitation, or upgrade of a full-service lodging facility having not less than five hundred (500) guest rooms, with reconstruction, restoration, rehabilitation, or upgrade costs exceeding ten million dollars ($10,000,000)*;*

4. The facilities involve the construction, restoration, rehabilitation, or upgrade of a full-service lodging facility which is or will be an integral part of a major convention or sports facility, with construction, restoration, rehabilitation, or upgrade costs exceeding six million dollars ($6,000,000); or

5. The facilities involve the construction, restoration, rehabilitation, or upgrade of a lodging facility which is or will be located:

a. In the Commonwealth within a fifty (50) mile radius of a property listed on the National Register of Historic Places with a current function of recreation and culture; and

b. Within any of the one hundred (100) least populated counties in the Commonwealth, in terms of population density, according to the most recent census;[~~.~~]

(b) Facilities that are primarily devoted to the retail sale of goods, other than an entertainment destination center, a theme restaurant destination attraction, a Kentucky crafts and products center, or a tourism attraction where the sale of goods is a secondary and subordinate component of the attraction; and

(c) Recreational facilities that do not serve as a likely destination where individuals who are not residents of the Commonwealth would remain overnight in commercial lodging at or near the tourism attraction project; and

(14) "Tourism attraction project" or "project" means the acquisition, including the acquisition of real estate by a leasehold

interest with a minimum term of ten (10) years, construction, and equipping of a tourism attraction; the construction, and installation of improvements to facilities necessary or desirable for the acquisition, construction, and installation of a tourism attraction, including but not limited to surveys; installation of utilities, which may include water, sewer, sewage treatment, gas, electricity, communications, and similar facilities; and off-site construction of utility extensions to the boundaries of the real estate on which the facilities are located, all of which are to be used to improve the economic situation of the approved company in a manner that shall allow the approved company to attract persons.".

Representative Palumbo moved that the House concur in Senate Floor Amendment No. 1 to **HB 593**. Agreed.

Representative Palumbo moved that **HB 593**, as amended by the Senate, be passed.

On the roll call the vote was: **Yeas 95, Nays 0.** (See March 29, 2004, roll call on **HB 593** - Appendix.)

HB 593, as amended by the Senate, was passed and the title agreed to.

Representative Palumbo moved that the vote by which **HB 593**, as amended by the Senate, was passed be reconsidered and said motion be placed on the table. Agreed.

Representative Adkins moved that the rules be suspended to take the following Bills from Committee on Rules, and place them in the Orders of the Day: **HB 162, 708, 595, 510, 365, 627,** and **441**. Agreed.

SB 55, with House Floor Amendments attached thereto, taken from the Orders of the Day and ordered read at length for the third time. Representative Adkins moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Weaver moved the adoption of House Floor Amendment No. 4 to **SB 55**. Agreed.

Representative Weaver moved that **SB 55**, as amended, be passed.

On the roll call the vote was: **Yeas 91, Nays 1**. (See March 29, 2004, roll call on **SB 55** - Appendix.)

SB 55, as amended, was passed and the title agreed to.

Representative Weaver moved that the vote by which **SB 55**, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

SB 142, with House Floor Amendments attached thereto, taken from the Orders of the Day and ordered read at length for the third time. Representative Adkins moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Barrows moved that **SB 142** be passed.

Representative Collins moved that the rules be suspended to consider Floor Amendment No. 1 to **SB 142**. Agreed.

Representative Collins moved the adoption of House Floor Amendment No. 1 to **SB 142**.

Representative Geveden inquired whether House Floor Amendment No. 1 to **SB 142** is germane.

The Speaker ruled that House Floor Amendment No. 1 is not germane.

On the roll call on the motion to pass **SB 142** the vote was: **Yeas 92, Nays 0**. (See March 29, 2004, roll call on **SB 142** - Appendix.)

SB 142 was passed and the title agreed to.

Representative Barrows moved that the vote by which **SB 142** was passed be reconsidered and said motion be placed on the table. Agreed.

SB 145, with House Committee Substitute attached thereto, taken from the Orders of the Day and ordered read at length for the third time. Representative Adkins moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Hoffman moved the adoption of the House Committee Substitute to **SB 145**. Agreed.

Representative Hoffman moved that **SB 145**, by way of House Committee Substitute, be passed.

On the roll call the vote was: **Yeas 87, Nays 0**. (See March 29, 2004, roll call on **SB 145** - Appendix.)

SB 145, by way of House Committee Substitute, was passed and the title agreed to.

Representative Hoffman moved that the vote by which **SB 145**, by way of House Committee Substitute, was passed be reconsidered and said motion be placed on the table. Agreed.

SB 133, with House Committee Substitute and House Committee Amendment attached thereto, taken from the Orders of the Day and ordered read at length for the third time. Representative Adkins moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Thomas moved the adoption of the House Committee Substitute to **SB 133**. Agreed.

Representative Thomas moved that **SB 133**, by way of House Committee Substitute, be passed.

On the roll call the vote was: **Yeas 91, Nays 0**. (See March 29, 2004, roll call on **SB 133** - Appendix.)

SB 133, by way of House Committee Substitute, was passed.

Representative Weaver moved the adoption of House Committee Amendment No. 1 Title to **SB 133**. Agreed.

Representative Thomas moved that the vote by which **SB 133**, by way of House Committee Substitute, was passed be reconsidered and said motion be placed on the table. Agreed.

SB 95, with House Committee Amendment and House Floor Amendments attached thereto, taken from the Orders of the Day and ordered read at length for the third time. Representative Adkins moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Gray moved the adoption of House Floor Amendment No. 1 to **SB 95**. Agreed.

Representative Damron moved that the rules be suspended to consider House Floor Amendment No. 2 to **SB 95**.

Representative Lindsay inquired whether House Floor Amendment No. 2 to SB 95 is germane.

The Speaker ruled that House Floor Amendment No. 2 to **SB 95** is not germane.

Representative Gray moved that **SB 95**, as amended, be passed.

Representative Wayne moved the adoption of House Committee Amendment No. 1 to **SB 95**.

Representative Damron inquired whether House Committee Amendment No. 1 to **SB 95** is in violation of Section 60 of the Kentucky Constitution.

The Speaker ruled that House Committee Amendment No. 1 to **SB 95** is constitutional.

On the roll call the vote to adopt House Committee Amendment No. 1 to **SB 95** was: **Yeas 13, Nays 74**. (See March 29, 2004, roll call on **SB 95** - Appendix.)

House Committee Amendment No. 1 to **SB 95** was defeated.

Representative Palumbo moved that House Floor Amendment No. 4 to **SB 95** be adopted.

On the roll call the vote was: **Yeas 15, Nays 77**. (See March 29, 2004, roll call on **SB 95** - Appendix.)

House Floor Amendment No. 4 to **SB 95** was defeated.

Representative Gray moved to reconsider the vote by which House Floor Amendment No. 1 to **SB 95** was adopted.

Representative Gray moved to withdraw the motion to reconsider the vote by which House Floor Amendment No. 1. Agreed.

Representative Gray moved that **SB 95**, as amended, be passed.

On the roll call the vote was: **Yeas 77, Nays 17**. (See March 29, 2004, roll call on **SB 95** - Appendix.)

SB 95, as amended, was passed and the title agreed to.

Representative Gray moved that the vote by which **SB 95**, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

Senate Message

Announcing passage of **SCR 233**. (2:10 p.m.)

Report On Enrolled Bills

The Committee on Enrollment reported that **HB 262, SB 14, 28, 34, 45, 63, 77, 79, 80, 83, 115, 171, 184, 206, SJR 80,** and **SCR 93** have been examined and found correctly enrolled. Said Bills and Resolutions were read at length, compared and signed in open session by the Speaker, and ordered delivered to the Senate. (Time -2:20 p.m.)

Orders of the Day (Continued)

SB 209, with House Floor Amendment attached thereto, taken from the Orders of the Day and ordered read at length for the third time. Representative Adkins moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Webb moved that **SB 209** be passed.

On the roll call the vote was: **Yeas 92, Nays 0**. (See March 29, 2004, roll call on **SB 209** - Appendix.)

SB 209 was passed and the title agreed to.

Representative Webb moved that the vote by which **SB 209** was passed be reconsidered and said motion be placed on the table. Agreed.

Representative Adkins moved that the rules be suspended to take **SB 247** and **HJR 11** from the Committee on Rules and place them in the Orders of the Day. Agreed.

SB 195 taken from the Orders of the Day and ordered read at length for the third time. Representative Adkins moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Stacy moved that **SB 195** be passed.

On the roll call the vote was: **Yeas 92, Nays 0**. (See March 29, 2004, roll call on **SB 195** - Appendix.)

SB 195 was passed and the title agreed to.

Representative Stacy moved that the vote by which **SB 195** was passed be reconsidered and said motion be placed on the table. Agreed.

SB 266, with Floor Amendments attached thereto, taken from the Orders of the Day and ordered read at length for the third time. Representative Adkins moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Pasley moved that **SB 266**, be passed.

On the roll call the vote was: **Yeas 80, Nays 12**. (See March 29, 2004, roll call on **SB 266** - Appendix.)

SB 266 was passed and the title agreed to.

Representative Pasley moved that the vote by which **SB 266** was passed be reconsidered and said motion be placed on the table. Agreed.

HB 434, with Senate Committee Substitute attached thereto, taken from the Orders of the Day. Representative Adkins moved that it be placed upon its passage for concurrence or non concurrence. Agreed.

The Senate Committee Substitute No. 1 to **HB 434** is as follows:

HB 434, AN ACT relating to retired teachers and declaring an emergency.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 161.220 is amended to read as follows:

As used in KRS 161.220 to 161.716 and KRS 161.990:

(1) "Retirement system" means the arrangement provided for in KRS 161.230 to 161.716 and KRS 161.990 for payment of

allowances to members;

(2) "Retirement allowance" means the amount annually payable during the course of his natural life to a member who has been retired by reason of service;

(3) "Disability allowance" means the amount annually payable to a member retired by reason of disability;

(4) "Member" means the commissioner of education, deputy commissioners, associate commissioners, and all division directors in the State Department of Education, and any full-time teacher or professional occupying a position requiring certification or graduation from a four (4) year college or university, as a condition of employment, and who is employed by public boards, institutions, or agencies as follows:

(a) Local boards of education;

(b) Eastern Kentucky University, Kentucky State University, Morehead State University, Murray State University, Western Kentucky University, and any community colleges established under the control of these universities;

(c) State-operated secondary area vocational education or area technology centers, Kentucky School for the Blind, and Kentucky School for the Deaf;

(d) The State Department of Education, the Education Professional Standards Board, other public education agencies as created by the General Assembly, and those members of the administrative staff of the Teachers' Retirement System of the State of Kentucky whom the board of trustees may designate by administrative regulation;

(e) Regional cooperative organizations formed by local boards of education or other public educational institutions listed in this subsection, for the purpose of providing educational services to the participating organizations;

(f) All full-time members of the staffs of the Kentucky Association of School Administrators, Kentucky Education Association, Kentucky Vocational Association, Kentucky High School Athletic Association, Kentucky Academic Association, and the Kentucky School Boards Association who were members of the Kentucky Teachers' Retirement System or were qualified for a position covered by the system at the time of employment by the association in the event that the board of directors of the respective association petitions to be included. The board of trustees of the Kentucky Teachers' Retirement System may designate by resolution whether part-time employees of the petitioning association are to be included. The state shall make no contributions on account of these employees, either full-time or part-time. The association shall make the employer's contributions, including any contribution that is specified under KRS 161.550. The provisions of this paragraph shall be applicable to persons in the employ of the associations on or subsequent to July 1, 1972;

(g) ***Employees of the Council on Postsecondary Education who were employees of*** the Department for Adult Education and Literacy ***and who were members of the Kentucky Teachers' Retirement System at the time the department was transferred to the council pursuant to Executive Order 2003-600***[~~, except that the commissioner shall not be a member~~];

(h) The Department for Technical Education, except that the commissioner shall not be a member;

(i) The Department of Vocational Rehabilitation;

(j) The Kentucky Educational Collaborative for State Agency Children;

(k) The Governor's Scholars Program;

(l) Any person who is retired for service from the retirement system and is reemployed by an employer identified in this subsection in a position that the board of trustees deems to be a member;

(m) Employees of the Cabinet for Workforce Development who are transferred to the Kentucky Community and Technical College System and who occupy positions covered by the Kentucky Teachers' Retirement System shall remain in the Teachers' Retirement System. New employees occupying these positions, as well as newly created positions qualifying for Teachers' Retirement System coverage that would have previously been included in the Cabinet for Workforce Development, shall be members of the Teachers' Retirement System;

(n) Effective January 1, 1998, employees of state community colleges who are transferred to the Kentucky Community and Technical College System shall continue to participate in federal old age, survivors, disability, and hospital insurance and a retirement plan other than the Kentucky Teachers' Retirement System offered by Kentucky Community and Technical College System. New employees occupying positions in the Kentucky Community and Technical College System as referenced in KRS 164.5807(5) that would not have previously been included in the Cabinet for Workforce Development, shall participate in federal old age, survivors, disability, and hospital insurance and have a choice at the time of employment of participating in a retirement plan provided by the Kentucky Community and Technical College System, including participation in the Kentucky Teachers' Retirement System, on the same basis as faculty of the state universities as provided in KRS 161.540 and 161.620; and

(o) Employees of the Office of General Counsel, the Office of Budget and Administrative Services, and the Office of Quality and Human Resources within the Office of the Secretary of the Cabinet for Workforce Development and the commissioners of the Department for Adult Education and Literacy and the Department for Technical Education who were contributing to the Kentucky Teachers' Retirement System as of July 15, 2000;

(5) "Present teacher" means any teacher who was a teacher on or before July 1, 1940, and became a member of the retirement

system created by 1938 (1st Extra. Sess.) Ky. Acts ch. 1, on the date of the inauguration of the system or within one (1) year after that date, and any teacher who was a member of a local teacher retirement system in the public elementary or secondary schools of the state on or before July 1, 1940, and continued to be a member of the system until he, with the membership of the local retirement system, became a member of the state Teachers' Retirement System or who becomes a member under the provisions of KRS 161.470(4);

(6) "New teacher" means any member not a present teacher;

(7) "Prior service" means the number of years during which the member was a teacher in Kentucky prior to July 1, 1941, except that not more than thirty (30) years' prior service shall be allowed or credited to any teacher;

(8) "Subsequent service" means the number of years during which the teacher is a member of the Teachers' Retirement System after July 1, 1941;

(9) "Final average salary" means the average of the five (5) highest annual salaries which the member has received for service in a covered position and on which the member has made contributions, or on which the public board, institution, or agency has picked-up member contributions pursuant to KRS 161.540(2), or the average of the five (5) years of highest salaries as defined in KRS 61.680(2)(a), which shall include picked-up member contributions. Additionally, the board of trustees may approve a final average salary based upon the average of the three (3) highest salaries for members who are at least fifty-five (55) years of age and have a minimum of twenty-seven (27) years of Kentucky service credit. However, if any of the five (5) or three (3) highest annual salaries used to calculate the final average salary was paid within the three (3) years immediately prior to the date of the member's retirement, the amount of salary to be included for each of those three (3) years for the purpose of calculating the final average salary shall be limited to the lesser of:

(a) The member's actual salary; or

(b) The member's annual salary that was used for retirement purposes during each of the prior three (3) years, plus a percentage increase equal to the percentage increase received by all other members employed by the public board, institution, or agency, or for members of school districts, the highest percentage increase received by members on any one (1) rank and step of the salary schedule of the school district. The increase shall be computed on the salary that was used for retirement purposes.

This limitation shall not apply if the member receives an increase in salary in a percentage exceeding that received by the other members, and this increase was accompanied by a corresponding change in position or in length of employment. This limitation shall also not apply to the payment to a member for accrued annual leave or accrued sick leave which is authorized by statute and which shall be included as part of a retiring member's annual compensation for the member's last year of active service;

(10) "Annual compensation" means the total salary received by a member as compensation for all services performed in employment covered by the retirement system during a fiscal year. Annual compensation shall not include payment for any benefit or salary adjustments made by the public board, institution, or agency to the member or on behalf of the member which is not available as a benefit or salary adjustment to other members employed by that public board, institution, or agency. Annual compensation shall not include the salary supplement received by a member under KRS ***158.6455 or*** 158.782 on or after July 1, 1996. Under no circumstances shall annual compensation include compensation that is earned by a member while on assignment to an organization or agency that is not a public board, institution, or agency listed in subsection (4) of this section. In the event that federal law requires that a member continue membership in the retirement system even though the member is on assignment to an organization or agency that is not a public board, institution, or agency listed in subsection (4) of this section, the member's annual compensation for retirement purposes shall be deemed to be the annual compensation, as limited by subsection (9) of this section, last earned by the member while still employed solely by and providing services directly to a public board, institution, or agency listed in subsection (4) of this section. The board of trustees shall determine if any benefit or salary adjustment qualifies as annual compensation;

(11) "Age of member" means the age attained on the first day of the month immediately following the birthdate of the member. This definition is limited to retirement eligibility and does not apply to tenure of members;

(12) "Employ," and derivatives thereof, means relationships under which an individual provides services to an employer as an employee, as an independent contractor, as an employee of a third party, or under any other arrangement as long as the services provided to the employer are provided in a position that would otherwise be covered by the Kentucky Teachers' Retirement System and as long as the services are being provided to a public board, institution, or agency listed in subsection (4) of this section;

(13) "Regular interest" means interest at three percent (3%) per annum;

(14) "Accumulated contributions" means the contributions of a member to the teachers' savings fund, including picked-up member contributions as described in KRS 161.540(2), plus accrued regular interest;

(15) "Annuitant" means a person who receives a retirement allowance or a disability allowance;

(16) "Local retirement system" means any teacher retirement or annuity system created in any public school district in Kentucky in accordance with the laws of Kentucky;

(17) "Fiscal year" means the twelve (12) month period from July 1 to June 30. The retirement plan year is concurrent with this fiscal year. A contract for a member employed by a local board of education may not exceed two hundred sixty-one (261)

days in the fiscal year;

(18) "Public schools" means the schools and other institutions mentioned in subsection (4) of this section;

(19) "Dependent" as used in KRS 161.520 and 161.525 means a person who was receiving, at the time of death of the member, at least one-half (1/2) of the support from the member for maintenance, including board, lodging, medical care, and related costs;

(20) "Active contributing member" means a member currently making contributions to the Teachers' Retirement System, who made contributions in the next preceding fiscal year, for whom picked-up member contributions are currently being made, or for whom these contributions were made in the next preceding fiscal year;

(21) "Full-time" means employment in a position that requires services on a continuing basis equal to at least seven-tenths (7/10) of normal full-time service on a fiscal year basis;

(22) "Full actuarial cost," when used to determine the payment that a member must pay for service credit means the actuarial value of all costs associated with the enhancement of a member's benefits or eligibility for benefit enhancements, including health insurance supplement payments made by the retirement system. The actuary for the retirement system shall determine the full actuarial value costs and actuarial cost factor tables as provided in KRS 161.400; and

(23) "Last annual compensation" means the annual compensation, as defined by subsection (10) of this section and as limited by subsection (9) of this section, earned by the member during the ***most recent period of contributing service, either consecutive or nonconsecutive, that is sufficient to provide the member with one (1) full year of service credit in the Kentucky Teachers' Retirement System, and which compensation is used in calculating the member's initial retirement allowance***~~[twelve (12) months immediately preceding the member's effective retirement date]~~, excluding bonuses, retirement incentives, payments for accumulated sick, annual, personal and compensatory leave, and any other lump-sum payment.

Section 2. KRS 161.260 is amended to read as follows:

An election shall be held on or before June 1 of each year to elect trustees. The trustees to be elected each year shall depend upon the respective terms of the trustees elected under Acts 1938 (1st Ex. Sess.), Ch. 1, paragraph 7 and Acts 1940, Ch. 192, paragraph 7a, and KRS 161.250. Each trustee shall assume office on July 1 following his election and shall serve for a term of four (4) years. The elections shall be conducted by ballot under the supervision of the chief state school officer. Each person who is a contributing member ***as a result of full-time employment in a position covered by the retirement system*** or ***who is*** an annuitant of the retirement system shall have the right to vote. ***Each person who is a contributing member as a result of part-time or substitute employment in a position covered by the retirement system shall be permitted to vote as provided in Section 17 of this Act.*** Nominations for trustees shall be made by a nominating committee consisting of one (1) committee member selected by the retirement system membership of each of the districts of the Kentucky Education Association, and one (1) committee member to be selected by retired teachers, on a statewide basis, from among the annuitants of the retirement system. No person may be a member of the nominating committee who is not a member of the system, except for the committee member to be selected from among the annuitants of the system. The president of the Kentucky Education Association shall preside over the meeting of the nominating committee and the secretary of the Teachers' Retirement System shall act as secretary to the committee. Two (2) persons shall be nominated by the nominating committee for each position to be filled. All expenses of the election shall be paid by the board of trustees out of its general expense fund.

Section 3. KRS 161.340 is amended to read as follows:

(1) The board of trustees shall elect from its membership a chairperson and a vice chairperson on an annual basis as prescribed by the administrative regulations of the board of trustees. The board of trustees shall employ an executive secretary by means of a contract not to exceed a period of four (4) years and fix the compensation and other terms of employment for this position without limitation of the provisions of KRS Chapters 18A, 45A, 56, and KRS 64.640. The executive secretary shall be the chief administrative officer of the board. The executive secretary, at the time of employment, shall be a graduate of a four (4) year college or university, and shall possess qualifications as the board of trustees may require. The executive secretary shall not have held by appointment or election an elective public office within the five (5) year period next preceding the date of employment.

(2) The board shall employ clerical, administrative, and other personnel as are required to transact the business of the retirement system. The compensation of all persons employed by the board shall be paid at the rates and in amounts as the board approves. Anything in the Kentucky Revised Statutes to the contrary notwithstanding, the power over and the control of determining and maintaining an adequate complement of employees in the system shall be under the exclusive jurisdiction of the board of trustees.

(3) The board shall contract for actuarial, auditing, legal, medical, investment counseling, and other professional or technical services as are required to carry out the obligations of the board in accordance with the provisions of this chapter without limitations, including KRS Chapters 12, 13B, 45, 45A, 56, and 57***,*** and shall provide for legal counsel and other legal services as may be required in defense of trustees, officers, and employees of the system who may be subjected to civil action arising from the performance of their legally assigned duties if counsel and services are not provided by the Attorney General.

(4) The board shall require the trustees, executive secretary, and employees it determines proper to execute bonds for the

faithful performance of their duties notwithstanding the limitations of KRS Chapter 62.

(5) The board of trustees may expend funds from the expense fund as necessary to insure the trustees, employees, and officials of the Teachers' Retirement System against any liability arising out of an act or omission committed in the scope and course of performing legal duties.

(6) Notwithstanding any statute to the contrary, employees shall not be considered legislative agents as defined in KRS 6.611.

Section 4. KRS 161.420 is amended to read as follows:

All of the assets of the retirement system are for the exclusive purpose of providing benefits to members and annuitants and defraying reasonable expenses of administering the system. The board of trustees shall be the trustee of all funds of the system and shall have full power and responsibility for administering the funds. It is hereby declared that the restrictions and rights provided herein shall not be subject to reduction or impairment by alteration, amendment, or repeal. All the assets of the retirement system shall be credited according to the purpose for which they are held to one (1) of the following funds:

(1) The expense fund shall consist of the funds set aside from year to year by the board of trustees to defray the expenses of the administration of the retirement system. Each fiscal year an amount not greater than four percent (4%) of the dividends and interest income earned from investments during the immediate past fiscal year shall be set aside into the expense fund or expended for the administration of the retirement system;

(2) The teachers' savings fund shall consist of the contributions paid by members of the retirement system into this fund and regular interest assigned by the board of trustees from the guarantee fund. A member may not borrow any amount of his or her accumulated contributions to this fund, or any interest earned thereon. The accumulated contributions of a member returned to him upon his withdrawal or paid to his estate or designated beneficiary in the event of his death shall be paid from the teachers' savings fund. Any accumulated contributions forfeited by a failure of a teacher or his estate to claim these contributions shall be transferred from the teachers' savings fund to the guarantee fund. The accumulated contributions of a member shall be transferred from the teachers' savings fund to the allowance reserve fund in the event of retirement by reason of service or disability;

(3) The state accumulation fund shall consist of funds appropriated by the state for the purpose of providing annuities ***and***~~[,]~~ survivor benefits,~~[and death benefits,]~~ including any sums appropriated for meeting unfunded liabilities, together with regular interest assigned by the board of trustees from the guarantee fund. At the time of retirement or death of a member there shall be transferred from the state accumulation fund to the allowance reserve fund an amount which together with the sum transferred from the teachers' savings fund will be sufficient to provide the member a retirement allowance and provide for benefits under KRS 161.520 ***and***~~[,]~~ 161.525~~[, and 161.655]~~;

(4) The allowance reserve fund shall be the fund from which shall be paid all retirement allowances and benefits provided under KRS 161.520 ***and***~~[,]~~ 161.525~~[, and 161.655]~~. In addition, whenever a change in the status of a member results in an obligation on this fund, there shall be transferred to this fund from the teachers' savings fund and the state accumulation fund, the amounts as may be held in those funds for the account or benefit of the member;

(5) The medical insurance fund shall consist of amounts accumulated for the purpose of providing benefits as provided in KRS 161.675. One and five tenths percent (1.5%) of the gross annual payroll of all members shall be deposited to this fund. One-half (1/2) of this amount shall derive from member contributions and one-half (1/2) from a state appropriation. The board of trustees may allocate the three and twenty-five hundredths percent (3.25%) of the total salaries of active members that the state appropriates annually as provided under KRS 161.550. ***In addition, the medical insurance fund shall be funded by the employer medical insurance fund stabilization contribution as set forth in Section 12 of this Act.*** The medical insurance fund shall receive all interest income from the investments of the fund. All claims for benefits under KRS 161.675 shall be paid from this fund. Any amounts not required to meet current costs shall be maintained as a reserve for these benefits;

(6) The guarantee fund shall be maintained to facilitate the crediting of uniform interest on the amounts of the other funds, except the expense fund, to finance operating expenses directly related to investment management services, and to provide a contingent fund out of which special requirements of any of the other funds may be covered. All income, interest, and dividends derived from the authorized deposits and investments shall be paid into the guarantee fund. Any funds received from gifts and bequests, which the board is hereby authorized to accept and expend without limitation in a manner either expressed by the donor or deemed to be in the best interest of the membership, shall be credited to the guarantee fund. Any funds transferred from the teachers' savings fund by reason of lack of claimant or because of a surplus in any fund and any other moneys whose disposition is not otherwise provided for, shall also be credited to the guarantee fund. The interest allowed by the board of trustees to each of the other funds shall be paid to these funds from the guarantee fund. Any deficit occurring in any fund that would not be automatically covered shall be met by the payments from the guarantee fund to that fund. The board of trustees may, at any time during a fiscal year, transfer from the guarantee fund to the medical insurance fund an amount not to exceed four percent (4%) of the income earned from investments during the immediate past year;

(7) The school employee annuity fund shall consist of those funds voluntarily contributed under the provisions of section 403(b) of the Internal Revenue Code by a retired member of the Teachers' Retirement System with accounts that existed on or after July 1, 1996. The contributions shall not be picked up as provided in KRS 161.540(2). Separate member accounts shall be maintained for each member. The board of trustees may promulgate administrative regulations pursuant to KRS

Chapter 13A to manage this program;

(8) The supplemental retirement benefit fund shall consist of those funds contributed by the employer for the purpose of constituting a qualified government excess benefit plan as described in Section 415 of the Internal Revenue Code for accounts that existed on or after July 1, 1996. The board of trustees may promulgate administrative regulations pursuant to KRS Chapter 13A to administer this program; ***and***

(9)[~~The defined contribution fund shall consist of those funds contributed by retired members who have been approved by the retirement system for full-time reemployment in a position covered by the retirement system and contributions made by the employer for the purpose of providing separate retirement allowances for periods of reemployment. Separate member accounts shall be maintained for each member. The board of trustees may promulgate administrative regulations pursuant to KRS Chapter 13A to administer this program. The contributions shall not be picked up as provided in KRS 161.540(2); and~~

~~(10)~~] The life insurance benefit fund shall consist of amounts accumulated for the purpose of providing benefits provided under KRS 161.655. The board of trustees may allocate to this fund a percentage of the employer and state contributions as provided under KRS 161.550. The allocation to this fund will be in an amount that the actuary determines necessary to fund the obligation of providing the benefits provided under KRS 161.655.

Section 5. KRS 161.430 is amended to read as follows:

(1) The board of trustees shall be the trustee of the funds of the retirement system and shall have full power and responsibility for the purchase, sale, exchange, transfer, or other disposition of the investments and moneys of the retirement system. The board shall, by administrative regulation, establish investment policies and procedures to carry out their responsibilities. The board shall employ experienced competent investment counselors to advise it on all matters pertaining to investment, except the board may employ qualified investment personnel to advise it on investment matters not to exceed fifty percent (50%) of the book value of the system's assets. All individuals associated with the investment and management of retirement system assets, whether contracted investment advisors or staff employees, shall adhere to "The Code of Ethics" and "The Standards of Professional Conduct" promulgated by the Association for Investment Management and Research. Effective July 1, 1991, no investment counselor shall manage more than forty percent (40%) of the funds of the retirement system. The board may appoint an investment committee consisting of the executive secretary and two (2) trustees to act for the board in all matters of investment, subject to the approval of the board of trustees. The board of trustees, in keeping with their responsibilities as trustees and wherever consistent with their fiduciary responsibilities, shall give priority to the investment of funds in obligations calculated to improve the industrial development and enhance the economic welfare of the Commonwealth. Toward this end, the board shall develop procedures for informing the business community of the potential for in-state investments by the retirement fund, accepting and evaluating applications for the in-state investment of funds, and working with members of the business community in executing in-state investments which are consistent with the board's fiduciary responsibilities. The board shall include in the criteria it uses to evaluate in-state investments their potential for creating new employment opportunities and adding to the total job pool in Kentucky. The board may cooperate with the board of trustees of Kentucky Retirement Systems in developing its program and procedures, and shall report to the Legislative Research Commission annually on its progress in placing in-state investments. The first report shall be submitted by October 1, 1991, and subsequent reports shall be submitted by October 1 of each year thereafter. The report shall include the number of applications for in-state investment received, the nature of the investments proposed, the amount requested, the amount invested, and the percentage of applications which resulted in investments.

(2) The board members and investment counselor shall discharge their duties with respect to the assets of the system solely in the interests of the active contributing members and annuitants and:

(a) For the exclusive purpose of providing benefits to members and annuitants and defraying reasonable expenses of administering the system;

(b) With the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent ***person***[~~man~~] acting in a like capacity and familiar with these matters would use in the conduct of an enterprise of a like character and with like aims;

(c) By diversifying the investments of the plan so as to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so; and

(d) In accordance with the laws, administrative regulations, and other instruments governing the system.

(3) (a) In choosing and contracting for professional investment management services the board must do so prudently and in the interest of the members and annuitants. Any contract that the board makes with an investment counselor shall set forth policies and guidelines of the board with reference to standard rating services and specific criteria for determining the quality of investments. Expenses directly related to investment management services shall be financed from the guarantee fund in amounts approved by the board.

(b) An investment counselor appointed under this section shall acknowledge in writing his fiduciary responsibilities to the fund. To be eligible for appointment, an investment counselor must be:

1. Registered under the Federal Investment Advisors Act of 1940; or

2. A bank as defined by that Act; or

3. An insurance company qualified to perform investment services under the laws of more than one (1) state.

(4) No investment or disbursement of funds shall be made unless authorized by the board of trustees, except that the board, in order to ensure timely market transactions, shall establish investment guidelines, by administrative regulation, and may permit its staff and investment counselors employed pursuant to this section to execute purchases and sales of investment instruments within those guidelines without prior board approval.

Section 6. KRS 161.480 is amended to read as follows:

Each person, upon becoming a member of the retirement system, shall file a detailed statement as required by the board of trustees and shall designate a primary beneficiary ***or two (2) or more co-beneficiaries*** to receive any benefits accruing from the death of the member. A contingent beneficiary may be designated in addition to the primary beneficiary ***or co-beneficiaries. The member may name more than one (1) contingent beneficiary***. Any beneficiary designation made by the member shall remain in effect until changed by the member on forms prescribed by the Kentucky Teachers' Retirement System, except in the event of subsequent marriage or divorce. Subsequent marriage by the member shall void the primary beneficiary ***and any co-beneficiary*** designation and the spouse of the member at death shall be considered as the primary beneficiary, unless the member subsequent to marriage designates another beneficiary. A final divorce decree shall terminate an ex-spouse's status as either primary ***beneficiary, co-beneficiary,*** or contingent beneficiary, unless subsequent to divorce the member redesignates the former spouse as primary ***beneficiary, co-beneficiary,*** or contingent beneficiary. To the extent permitted by the Internal Revenue Code, a trust may be designated as beneficiary for receipt of a member's contributions to the retirement system as provided under KRS 161.470(7)~~[and 161.650, and for receipt of the life insurance benefit provided under KRS 161.655]~~. ***A final divorce decree shall not terminate the designation of a trust as beneficiary regardless of who is designated as beneficiary of the trust.*** The provisions of this section shall be retroactive as they relate to election of beneficiaries by members still in active status on the effective date of this section. ***The provisions of this section shall not apply to any account from which a member is drawing a retirement allowance or to the life insurance benefit available under Section 23 of this Act.***

Section 7. KRS 161.507 is amended to read as follows:

(1) An active contributing member of the Teachers' Retirement System may receive service credit for active service rendered in the uniformed services of the Armed Forces of the United States, including the commissioned corps of the Public Health Service, subject to the provisions of the Uniformed Services Employment and Reemployment Rights Act of 1994 and to administrative regulations promulgated by the board of trustees. Military service includes service in the uniformed services that occurs before the employment of a member in a position covered by the retirement system or where a member leaves covered employment without giving advance written or verbal notice of performing duty in the uniformed services. Service in the uniformed services also includes uniformed service that occurs after employment in a position covered by the retirement system where the member has given advance written or verbal notice of performing duty in the uniformed services and the member returns directly from uniformed services to covered employment. Military service may be credited only if discharge was honorable or was not terminated upon the occurrence of any of the events listed in 38 U.S.C. sec. 4304. Service shall be considered as Kentucky teaching service, except that service may not be used for meeting the service requirements set forth in KRS 161.600(1)(a) or 161.661(1) unless the service occurred after the member gave written or verbal notice of performing duty in the uniformed services and the member returned directly from uniformed services to covered employment. A maximum of six (6) years of military service may be credited, but in no case a greater number of years than the actual years of contributing service in Kentucky.

(2) No credit shall be granted for military service which has been or will be used in qualifying for annuity benefit payments from another retirement system financed wholly or in part by public funds.

(3) A member having twenty (20) years or more of active duty in the military service, and who is qualified for regular federal retirement benefits based on this military service, may not receive credit for any military service in the Teachers' Retirement System. This subsection shall apply to service presented for credit on July 1, 1975, and after this date.

(4) (a) A member receiving retirement credit for active duty in the armed services of the United States prior to employment in a position covered by the retirement system or where the member leaves covered employment without giving advance written or verbal notice of performing duty in the uniformed services shall pay to the retirement system the full actuarial cost of the service credit purchased as provided under KRS 161.220(22).~~[Two percent (2%) of the required payment shall be allocated to the medical insurance fund.]~~ These contributions shall not be picked up, as described in KRS 161.540(2). In purchasing retirement credit for active duty in the armed services, the latest years of service shall be considered first in allowing credit toward retirement. The board of trustees shall adopt a table of actuarial factors to be used in calculating the amount of contribution required for crediting this service.

(b) If military service occurred after the member gave written or verbal notice of performing duty in the uniformed services and the member returns directly from uniformed services to covered employment, the member shall contribute the regular member contribution required by KRS 161.540. The member may make the payment of delayed contributions in a lump sum payment or in installments not to exceed five (5) years beginning with the member's date of reemployment. Interest at the rate of eight percent (8%) per annum shall be charged for delayed contributions beginning with the member's date of reemployment until paid.

(5) An active contributing member of the Teachers' Retirement System may receive service credit for service in the military

reserves of the United States or the National Guard. The member may purchase one (1) month of service for each six (6) months of service in the reserves or the National Guard. Notwithstanding any other statute, regulation, or policy to the contrary, the system shall provide a member, upon request, the estimated actuarial cost of the National Guard or military reserves service purchase based upon the information available at the time of the request. The member shall be entitled to enter into a contract with the system at the time of the request to purchase the National Guard or military reserve service by paying to the system the estimated actuarial cost, either by installments or in lump sum. The member shall pay the full actuarial cost of this service in the military reserves or the National Guard as provided in KRS 161.220(22). Service in the military reserves or the National Guard shall be treated as service earned prior to participation in the system and shall not be used for meeting the service requirements set forth in KRS 161.600(1)(a) or 161.661(1). The payment shall not be picked up by the employer, as described in KRS 161.540(2).

Section 8. KRS 161.515 is amended to read as follows:

(1) For the purposes of this section, "out-of-state service" shall mean service in any state in a comparable position ***on a full-time basis***, which would be covered if in Kentucky.

(2) (a) An active contributing member who has been a contributing member of the retirement system for at least one (1) full scholastic year subsequent to the latest out-of-state service, may present for credit service rendered out of state, not to exceed ten (10) years actually taught as a certified or licensed teacher. With the exception of university faculty members, all members who elect to purchase this service shall pay to the retirement system an amount equal to the current member contribution rate based on the first Kentucky salary of the member subsequent to the out-of-state service, provided this service was rendered after June 30, 1983. In the event this service was rendered prior to July 1, 1983, the contribution rate shall be seven and eighty-four hundredths percent (7.84%). University faculty members shall pay on a contribution rate of seven and eighty-four hundredths percent (7.84%) based on the first Kentucky salary subsequent to the out-of-state service, regardless of when the service was rendered. Members shall pay to the retirement system the employer contribution at the rates set forth in KRS 161.550. In addition, all members shall pay interest on the contributions for this service at a rate to be set by the board of trustees on each annual contribution from the last day of the scholastic year in which the service was rendered to date of payment to the retirement system. The payments shall not be picked up as described in KRS 161.540(2). For each year of which the retirement system shall accept the contribution and interest, one (1) year of service credit shall be given. This credit may not be used to meet the service requirements of KRS 161.525, 161.600, or 161.661, except as provided in subsection (2)(c) of this section. No credit shall be granted for service which has been or will be used in qualifying for annuity benefit payments from another retirement system financed wholly or in part by public funds;

(b) A member of the retirement system having teaching service in the elementary or secondary schools operated by the United States overseas or in this country, or in a public college or university in Kentucky, not included in the Teachers' Retirement System of the State of Kentucky, may present this service for credit in the retirement system on the same basis as provided above for out-of-state service credit; however, no service may be presented which shall be used as a basis for retirement benefits in any program supported wholly or in part by a public institution or governmental agency. This service when added to service credited under subsection (2)(a) of this section shall not exceed a total of ten (10) years' service credit; and

(c) A member having service referred to in subsection (2)(a) or (2)(b) of this section may elect to use this service for meeting the requirements of KRS 161.600(1)(c) by making an additional contribution to the state accumulation fund equal to a member contribution rate of eight percent (8%) for each year so used. These payments shall not be picked up as described in KRS 161.540(2). The salary base to be used in determining this additional contribution shall be the final average salary which is used in calculating the member's regular retirement annuity.

(3) Members entering the Teachers' Retirement System for the first time, July 1, 1976, and after this date, shall not receive credit for service defined in subsections (2)(a) or (2)(b) of this section in excess of one (1) year of credit for each two (2) years of Kentucky service in a covered position or ten (10) years, whichever is the lesser number.

(4) A member, having completed service as a volunteer in the Kentucky Peace Corps created by KRS 154.01-720, may purchase service credit for the time served in the corps on the same basis as provided in this section for the purchase of out-of-state service credit. A member, having completed service as a federal Peace Corps volunteer, may purchase up to two (2) years of service credit for time served in the Peace Corps on the same basis as provided in this section for the purchase of out-of-state service credit.

(5) Notwithstanding any other provisions of this section to the contrary, purchase of service credit for out-of-state teaching, Kentucky Peace Corps, and federal Peace Corps service on July 1, 2005, or thereafter shall be purchasable only at full actuarial cost.

Section 9. KRS 161.520 is amended to read as follows:

Upon the death of an active contributing member or upon the death of a member retired for disability, except as provided in KRS 161.661(6), the survivors of the deceased member in the following named order, may elect to receive a survivor's benefit payable as follows:

(1) Where there is a surviving widow or widower who is named as ***the primary*** beneficiary of the member's retirement

account, the benefit shall be:

(a) One hundred eighty dollars ($180) per month with no restriction on other income;

(b) Two hundred forty dollars ($240) per month when the surviving widow or widower's total income from all sources does not exceed six thousand six hundred dollars ($6,600) per year or five hundred fifty dollars ($550) per month; or

(c) If the deceased member has a minimum of ten (10) years of service credit with the Teachers' Retirement System, the surviving widow or widower may apply for an annuity actuarially equivalent to the annuity that would have been paid to the deceased member when eligibility conditions were met. Eligibility for payments would begin at the time the age of the deceased member would have met the requirements of KRS 161.600(1). In exercising this right, the surviving widow or widower shall be entitled to receive an annuity for life, except as provided in subsection (6) of this section. This subsection applies to surviving spouses of members who die on or after July 1, 1978. A surviving widow or widower of a member who dies after July 1, 1978, shall be eligible for benefit payments provided under paragraphs (a) and (b) of this subsection until they begin receiving payments under this provision.

(2) Where there are surviving unmarried children under age eighteen (18) or under age nineteen (19) if a full-time student in high school, the benefit shall be two hundred dollars ($200) per month in the case of one (1) child, three hundred forty dollars ($340) per month in the case of two (2) children, four hundred dollars ($400) per month in the case of three (3) children, and four hundred forty dollars ($440) per month in the case of four (4) or more children. Benefits under this subsection shall apply in addition to benefits which may be payable under subsections (1) and (3) of this section.

(3) Where the survivor is a child age eighteen (18) or older whose mental or physical condition is sufficient to cause his dependency on the deceased member at the time of the member's death, the benefit shall be two hundred dollars ($200) per month, payable for the life of the child or until the time as the mental or physical condition creating the dependency no longer exists or the child marries. Benefits under this subsection and subsection (2) of this section shall apply to legally adopted survivors provided the proceedings for the adoption were initiated at least one (1) year prior to the death of the member. The mental or physical condition of the adult child shall be revealed by a competent examination by a licensed physician and shall be approved by a majority of a medical review committee as defined in KRS 161.661(13). Benefits under this subsection shall apply in addition to benefits which may be payable under subsections (1) and (2) of this section.

(4) Where the sole eligible survivors are dependent parents aged sixty-five (65) or over, the benefit shall be two hundred dollars ($200) per month for one (1) parent or two hundred ninety dollars ($290) per month for two (2) parents. Dependency of a parent shall be established as of the date of the death of the member.

(5) Where the sole eligible survivor is a dependent brother or sister, the benefit shall be one hundred sixty five dollars ($165) per month. In order to qualify the brother or sister must have been a resident of the deceased member's household for at least one (1) full year prior to the member's death or must have been receiving care in a hospital, nursing home, or other institution at the member's expense for same period.

(6) The benefit to a child as defined in subsection (2) of this section shall terminate upon the attainment of age eighteen (18) or upon reaching age nineteen (19), if a full-time student in high school, or upon marriage, except that benefits shall continue until the attainment of age twenty-three (23) for an unmarried child who is a full-time student in a recognized educational program beyond the high school level. The benefit to a widow, widower, dependent parent, or dependent brother or sister or dependent child age eighteen (18) or older shall terminate upon marriage, or upon termination of the condition creating the dependency.

(7) The board of trustees shall be the sole judge of eligibility or dependency of any beneficiary, and may require formal application or information relating to eligibility or dependency, including proof of annual income satisfactory to the board. The board of trustees may subpoena records and individuals whenever it deems this action necessary.

(8) No payment of benefits shall be made unless the board of trustees authorizes the payment. The board shall promulgate administrative regulations for the administration of the provisions in this section and in every case the decision of the board of trustees shall be final as to eligibility, dependency, or disability, and the amount of benefits payable.

(9) In the event that there are no eligible survivors as defined in subsections (1) to (5) of this section, the board of trustees shall pay to the estate or assigns of the deceased member a refund of his accumulated contributions as provided in KRS 161.470(7). If the benefits paid or payable under subsections (1) to (5) of this section and KRS 161.661 shall amount to a sum less than the member's accumulated contributions at the time of death, the board of trustees shall pay to the estate or assigns of the deceased member the balance of the accumulated contributions.

(10) Any person who is receiving benefits and becomes disqualified from receiving those benefits under this section shall immediately notify the Teachers' Retirement System of this disqualification in writing and shall return all benefits paid after the date of disqualification. Failure to comply with these provisions shall create an indebtedness of that person to the Teachers' Retirement System. Interest at the rate of eight percent (8%) per annum shall be charged if the debt is not repaid within sixty (60) days after the date of disqualification. Failure to repay this debt creates a lien in favor of the Teachers' Retirement System upon all property of the person who improperly receives benefits and does not repay those benefits.

Section 10. KRS 161.525 is amended to read as follows:

(1) Upon death of a member in active contributing status at the time of death, who was eligible to retire by reason of service, the spouse, if named as ***the primary*** beneficiary of the member's retirement account, or in the absence of an eligible spouse a legal dependent of the member, if named as ***the primary*** beneficiary, shall be entitled to elect, in lieu of a refund of the member's account or benefits provided in KRS 161.520, an annuity actuarially equivalent at the attained age of the beneficiary to the annuity that would have been paid to the deceased member had retirement been effective on the day immediately preceding the member's death. Under the provisions of KRS 61.680, benefits shall be processed as if the member retired for service. In exercising this right the spouse or legal dependent shall be limited to selecting an option providing either a straight life annuity with refundable balance or a term certain option. A spouse may receive the annuity provided by this section at the same time as children are qualifying for survivors' benefits under the provisions of KRS 161.520; however, a legal dependent, other than a spouse, may not receive these payments if children have qualified for benefits under that section.

(2) A spouse~~[or legal dependent]~~ qualifying for an annuity under subsection (1) of this section may defer the payments in order to reduce the actuarial discounts to be applied due to age.

(3) Upon death of a member in active contributing status at the time of his death, who had a minimum of twenty-seven (27) years of service, the spouse, if named as the ***primary*** beneficiary of the member's account shall be entitled to a monthly minimum allowance of three hundred dollars ($300) as the basic straight life annuity. This provision applies to surviving spouses of members who were receiving benefit payments under KRS 161.520 as of June 30, 1986, and to surviving spouses of members who die on or after July 1, 1986.

Section 11. KRS 161.545 is amended to read as follows:

(1) Members may make contributions and receive service credit for substitute, part-time, or any service other than regular full-time teaching as provided in the administrative regulations of the board of trustees if contributions were not otherwise made as a result of the service. Members placed on leave of absence may make contributions and receive service credit for this leave only if contributions are made by the end of the fiscal year next succeeding the year in which the leave was effective as provided in administrative regulations promulgated by the board of trustees. Contributions permitted after August 1, 1982, shall not be picked-up pursuant to KRS 161.540(2).

(2) Active contributing members of the Teachers' Retirement System, or former members who are currently participating in a state-administered retirement system, who were granted leaves of absence since July 1, 1964, for reasons of health ***as defined under the Federal Family Medical Leave Act of 1993, 29 U.S.C. secs. 2601 et seq.***, child rearing, or to improve their educational qualifications, and did not qualify at the time of the leave of absence to make contributions to the retirement system for the leave of absence as provided in subsection (1) of this section, may obtain credit for the leave of absence under the following conditions:

(a) The leave of absence shall be verified by a copy of the board of education minutes which granted the leave of absence ***or by other documentation that was generated contemporaneously with the leave that is determined by the retirement system to reasonably establish that a leave of absence was granted***; and

(b) The member shall contribute the required percentage based on the salary received for the year immediately preceding the leave of absence plus interest at the rate of eight percent (8%) compounded annually from the beginning of the school year following the year of the leave of absence, and by depositing in the state accumulation fund an amount equal to this total.

(c) The member shall receive credit for no more than two (2) years under the provisions of this subsection.

(3) Contributions permitted under this section after August 1, 1982, shall not be picked-up pursuant to KRS 161.540(2).

Section 12. KRS 161.550 is amended to read as follows:

(1) Beginning with July 1, each employer, except as provided under KRS 161.555, shall contribute annually to the retirement system a permanent amount equal to that contributed by members of the retirement system it employs plus an additional three and one-fourths percent (3.25%) of the total of salaries of members of the retirement system it employs to discharge the system's unfunded obligations with interest assumed by the state and to provide funding to the medical insurance fund as provided under KRS 161.420(5).

(2) In addition to the required contributions in subsection (1) of this section, the state shall contribute annually to the retirement system a percentage of the total salaries of the state-funded and federally funded members it employs to provide stabilization funding for the medical insurance fund. This contribution shall be known as the state medical insurance fund stabilization contribution. The percentage to be contributed by the state shall be determined by the retirement system's actuary for each biennial budget period. The percentage to be contributed by the state may be suspended or adjusted by the General Assembly if in its judgment the welfare of the Commonwealth so demands.

(3) Each employer shall remit the required employer contributions to the retirement system under the terms and conditions specified for member contributions under KRS 161.560. The state shall provide annual appropriations based upon estimated funds needed to meet the requirements of KRS 161.155; 161.507(4); 161.515; 161.545; 161.553; 161.605; 161.612; and 161.620(1), (3), (5), (6), and (7). In the event an annual appropriation is less than the amount of these requirements, the state shall make up the deficit in the next biennium budget appropriation to the retirement system. Employer contributions to the retirement system are for the exclusive purpose of providing benefits to members and annuitants and these contributions shall be considered deferred compensation to the members.

Section 13. KRS 161.553 is amended to read as follows:

(1) The cost of providing statutory benefit improvements for annuitants may be funded by annual appropriations from the state on an actuarial amortized basis over the lifetime of the annuitants. The schedules in subsections (1)(a), (1)(b), and (1)(c) of this section are the annual appropriations which shall be made by the state for benefit improvements approved in the respective fiscal years or bienniums prior to July 1, ***2006***[~~2004~~]:

(a)	Cost of Living ***2004-2005***[~~2002-2003~~] Allowance		Each Succeeding Fiscal Year
[	~~1988-1990~~	~~$5,761,700~~	~~$2,972,700 in 2003-2004~~]
	1990-1992	$4,901,700	[~~$4,901,700 through 2004-2005 and~~] $2,486,800 in 2005-2006
	1992-1994	$2,229,400	$2,229,400 through 2006-2007 and $1,125,700 in 2007-2008
	1994-1996	$6,142,000	$6,142,000 through 2010-2011
	1996-1998	$4,459,000	$4,459,000 through 2010-2011
	1998-2000	$15,333,900	$15,333,900 through 2012-2013 and $7,938,600 through 2013-2014
	2000-2002	$12,511,400	$12,511,400 through 2014-2015 and $7,227,700 in 2015-2016
	2002-2004	***$21,405,700***[~~$4,406,000~~	~~$9,213,400 in 2003-2004~~] ***$21,405,700***[~~$21,405,600~~] through 2021-2022 and ***$11,204,100***[~~$11,204,000~~] in 2022-2023
(b)	Minimum Value ***2004-2005***[~~2002-2003~~] Annuities		Each Succeeding Fiscal Year
[	~~1988-1990~~	~~$1,718,200~~	~~$879,500 in 2003-2004~~]
	1990-1992	$2,246,900	[~~$2,246,900 through 2004-2005 and~~] $1,232,100 in 2005-2006
	1992-1994	$2,217,700	$2,217,700 through 2006-2007
	1994-1996	$2,126,000	$2,126,000 through 2008-2009
	2002-2004	***$3,375,900***[~~$694,800~~	~~$1,451,800 in 2003-2004~~] $3,375,900 through 2016-2017 and $2,027,800 in 2017-2018
(c)	Sick Leave ***2004-2005***[~~2002-2003~~] Allowance		Each Succeeding Fiscal Year
	1998-2000	$4,660,300	$4,660,300 through 2012-2013 and

		$2,425,900 through 2013-2014
2000-2002	$6,167,100	$6,167,100 through 2014-2015 and $3,579,100 in 2015-2016
2002-2004	***$6,282,500***[~~$3,668,400~~]	***$6,282,500***[~~$7,636,700~~] through 2021-2022 and $3,968,300 in 2022-2023
2004-2006	***$3,669,700***	***$8,009,200 through 2023-2024*** ***and*** ***$4,339,500 in 2024-2025***

(2) The present values of providing statutory cost-of-living increases for annuitants not included in subsection (1) of this section are to be assigned to the unfunded obligations of the retirement system and are identified as follows:

1986-1988	$34,689,893
1990-1992	$68,107,473
1992-1994	$15,749,976

Section 14. KRS 161.597 is amended to read as follows:

(1) A member in active contributing status may purchase any service credit which the member is authorized to purchase by making installment payments in lieu of a lump-sum payment.

(2) To initiate an installment payment plan, a member shall make a written request to the retirement system for an estimate to purchase service credit by making installment payments.

(3) To qualify for installment payments, the ***total cost of the service purchase, including any chargeable interest,***[~~member contribution plus interest of eight percent (8%) per annum~~] shall exceed one thousand dollars ($1,000).

(4)[~~ A member may select the service credit to be purchased by installment payments and that service credit shall be purchased before any other credit may be purchased by installment payments.~~

~~(5)~~] Installment payments shall be at least fifty dollars ($50) per month and shall be made for a period of time which is not less than twelve (12) months nor more than sixty (60) months. ***Interest at eight percent (8%) per annum, unless the board specifies in an administrative regulation a different interest rate, shall be charged on all installment payment purchases of service credit that are purchasable at less than full actuarial cost.***

(5)[~~(6)~~] Installment payments shall be made on a monthly basis by payroll deduction or electronic fund transfer and forwarded separately to the Teachers' Retirement System on forms or by computer format not later than fifteen (15) days following the end of each month. The payments shall be considered accumulated contributions and shall not be picked up as provided in KRS 161.560***, except that subject to approval by the Internal Revenue Service and only as permitted by the Internal Revenue Code, installment payments by payroll deduction shall be made on a tax-deferred basis***.

(6)[~~(7)~~] A member may elect to terminate payroll deductions at any time and purchase the remaining service credit by lump-sum payment. A member on a leave of absence may make personal installment payments. Termination of employment in a covered position shall terminate installment payments. If the member is later employed by a different employer in a covered position, the member may request a new estimate and reinstate installment payments. A member that misses two (2) consecutive installment payments shall be in default. A member in default shall receive service credit on a pro rata basis for the total amount of contributions made by installment payments. A member in default may not reinstate installment payments for twelve (12) months from the date the member was in default.

(7)[~~(8)~~] If a member dies before completing scheduled installment payments, the named beneficiary of the member's retirement account may pay the remaining balance due by a lump-sum payment within thirty (30) days of the death of the member.

Section 15. KRS 161.600 is amended to read as follows:

(1) Effective July 1, 1988, a member of the retirement system may qualify for service retirement by meeting one (1) of the following requirements:

(a) Attainment of age sixty (60) years and completion of five (5) years of Kentucky service;

(b) Attainment of age fifty-five (55) years and completion of a minimum of five (5) years of Kentucky service with an actuarial reduction of the basic allowance of five percent (5%) for each year the member's age is less than sixty (60) years or for each year the member's years of Kentucky service credit is less than twenty-seven (27), whichever is the lesser number;[~~ or~~]

(c) Completion of twenty-seven (27) years of Kentucky service. Out-of-state service earned in accordance with the provisions of KRS 161.515(2) may be used to meet this requirement***; or***

(d) Completion of the necessary years of service under provisions of KRS 61.559(2)(c) if the member is retiring under the reciprocity provisions of KRS 61.680. A member retiring under this paragraph who has not attained age fifty-five (55) shall incur an actuarial reduction of the basic allowance determined by the system's actuary for each year the member's service credit is less than twenty-seven (27).

(2) Any person who has been a member in Kentucky for twenty-seven (27) years or more and who withdraws from covered employment may continue to pay into the fund each year until the end of the fiscal year in which he reaches the age of sixty-five (65) years, the current contribution rate based on the annual compensation received during the member's last full year in covered employment, less any payment received for accrued sick leave or accrued leave from an employer. The member shall be entitled to receive a retirement allowance as provided in KRS 161.620 at any time after withdrawing from covered employment and payment of contributions under this subsection. No member shall make contributions as provided for in this subsection if the member is at the same time making contributions to another retirement system in Kentucky supported wholly or in part by public funds.

(3) Service credit in the Kentucky Employees Retirement System, the State Police Retirement System, the Legislators' Retirement Plan, the County Employees Retirement System, or the Judicial Retirement System may be used in meeting the service requirements of subsection (1)(a), (b), and (c) of this section, provided the service is subsequent to July 1, 1956. Upon death, disability, or service retirement, a member's accounts under all state supported retirement systems shall be consolidated, as provided by this section and by KRS 61.680, for the purpose of determining eligibility and amount of benefits, which shall include medical benefits. Upon determination of benefits, each system shall pay the applicable percentage of total benefits. The effective date of retirement under this subsection shall be determined by each retirement system for the portion of the payments that will be made.

(4) No retirement annuity shall be effective until written application and option election forms are filed with the retirement office in accordance with administrative regulations of the board of trustees.

(5) The surviving spouse of an active contributing member, if named as beneficiary of the member's account, may purchase retirement credit that the member was eligible to purchase prior to the member's death.

Section 16. KRS 161.605 is amended to read as follows:

Any member retired by reason of service may return to work in a position covered by the Kentucky Teachers' Retirement System and continue to receive his or her retirement allowance under the following conditions:

(1) Any member who is retired with thirty (30) or more years of service may return to work in a full-time or a part-time position covered by the Kentucky Teachers' Retirement System and earn up to a maximum of seventy-five percent (75%) of the member's last annual compensation measured on a daily rate to be determined by the board of trustees. For purposes of determining whether the salary of a member returning to work is seventy-five percent (75%) or less of the member's last annual compensation, all remuneration paid and benefits provided to the member, on an actual dollar or fair market value basis as determined by the retirement system, shall be considered. Members who were retired on or before June 30, 2002, shall be entitled to return to work under the provisions of this section as if they had retired with thirty (30) years of service. Service credit purchased under the provisions of KRS 161.5465 may not be used to meet the thirty (30) year requirement set forth in this subsection.

(2) Any member who is retired with less than thirty (30) years of service after June 30, 2002, may return to work in a full-time or part-time position covered by the Kentucky Teachers' Retirement System and earn up to a maximum of sixty-five percent (65%) of the member's last annual compensation measured on a daily rate to be determined by the board of trustees. For purposes of determining whether the salary of a member returning to work is sixty-five percent (65%) or less of the member's last annual compensation, all remuneration paid and benefits provided to the member, on an actual dollar or fair market value basis as determined by the retirement system, shall be considered.

(3) Reemployment of a retired member under subsection (1) or (2) of this section in a full-time teaching or nonteaching position in a local school district shall be permitted only if the employer certifies to the Kentucky Teachers' Retirement System that there are no other qualified applicants available to fill the teaching or nonteaching position. The employer may use any source considered reliable including but not limited to data provided by the Education Professional Standards Board and the Department of Education to determine whether other qualified applicants are available to fill the teaching or nonteaching position. The Kentucky Board of Education shall promulgate administrative regulations to establish procedures to determine whether other qualified applicants are available to fill a teaching or nonteaching position and, if not, for filling the position with a retired member who will then be permitted to return to work in that position under subsection (1) or (2) of this section. The administrative regulations shall assure that a retired member shall not be hired in a teaching or nonteaching position by a local school district until the superintendent of the school district assures the Kentucky Teachers' Retirement System that every reasonable effort has been made to recruit other qualified applicants for the position on an annual basis.

(4) Under this section, an employer may employ full-time a number of retired members not to exceed ***three percent (3%)***[~~four percent (4%)~~] of the membership actively employed full-time by that employer. The board of trustees may reduce this ***three percent (3%)***[~~four percent (4%)~~] cap upon recommendation of the retirement system's actuary if a reduction is necessary to maintain the actuarial soundness of the retirement system. The board of trustees may increase the ***three percent (3%)***[~~four percent (4%)~~] cap upon a determination that an increase is warranted to help address a shortage in the

number of available teachers and upon the determination of the retirement system's actuary that the proposed cap increase allows the actuarial soundness of the retirement system to be maintained. For purposes of this subsection, "full-time" means the same as defined by KRS 161.220(21). A local school district may exceed the quota established by this subsection by making an annual written request to the Kentucky Department of Education which the department may approve on a year-by-year basis if the statewide quota has not been met. *A district's written request to exceed its quota shall be submitted no sooner than two (2) weeks after the start of the school year.*

(5) A member returning to work in a full-time or part-time position under subsection (1) or (2) of this section will *contribute to an*[~~establish a second~~] account with the retirement system that will be administered independently from and with no reciprocal impact with the member's original retirement account. A member returning to work under subsection (1) or (2) of this section shall make contributions to the retirement system at the rate provided under KRS 161.540. The second account shall independently meet the five (5) year vesting requirement as well as all other conditions set forth in KRS 161.600(1) before any retirement allowance is payable from this account. The retirement allowance accruing under this second account shall be calculated pursuant to KRS 161.620(1)(b). This second account shall not entitle the member to a duplication of the benefits offered under KRS 161.655*, Section 19(7) of this Act,* or 161.675, nor shall this second account provide the benefits offered by KRS 161.520, 161.525, 161.661, or 161.663. A member returning to work under subsection (1) or (2) of this section shall waive his or her medical insurance with the Kentucky Teachers' Retirement System during the period of reemployment and shall receive the medical insurance coverage that is generally provided by the member's active employer to the other members of the retirement system that the active employer employs. If medical insurance coverage is not available from the employer, the Kentucky Teachers' Retirement System may provide coverage for the member. A member returning to work under subsection (1) or (2) of this section shall not be eligible to purchase service credit for any service provided after the member's effective date of retirement but prior to the date that the member returns to work. A member returning to work under subsection (1) or (2) of this section shall not be eligible to purchase service credit that the member would have otherwise been eligible to purchase prior to the member's initial retirement. A member who returns to work under subsection (1) or (2) of this section, or in the event of the death of the member, the member's estate or applicably designated beneficiary, shall be entitled, within ninety (90) days of the posting of the annual report submitted by the employer, to a refund of contributions as permitted and limited by KRS 161.470.

(6) The board of trustees may annually *on July 1* adjust the *current* daily rate of a member's last annual compensation, for each[~~ year that the member has been retired for a~~] full twelve (12) month period *that has elapsed subsequent to the member earning his or her last annual compensation*, by the percentage increase in the annual average of the consumer price index for all urban consumers for the calendar year preceding the adjustment as published by the Federal Bureau of Labor Statistics, not to exceed five percent (5%) annually. *Each annual adjustment shall become part of the member's daily rate base.* Failure to comply with the salary limitations set forth in subsections (1) and (2) of this section as may be adjusted by this subsection shall result in a reduction of the member's retirement allowance or any other benefit to which the member would otherwise be entitled on a dollar-for-dollar basis for each dollar that the member exceeds these salary limitations.

(7) *(a)* A retired member returning to work under subsection (1) or (2) of this section shall have separated from service for a period of at least one (1) year if returning to work for the same employer on a full-time basis, and at least three (3) months if returning to work for a different employer on a full-time basis. A retired member returning to work under subsection (1) or (2) of this section on a part-time basis shall have separated from service for a period of at least three (3) months before returning to work for any employer.

(b) As an alternative to the separation-from-service requirements in paragraph (a) of this subsection, a retired member who is returning to work for the same employer in a full-time position under subsections (1) and (2) of this section may elect a separation-from-service of not less than two (2) months followed by a forfeiture of the retired member's retirement allowance on a month-to-month basis for each month that the member has separated from service for less than twelve (12) full months. A retired member returning to work for the same employer in a part-time position, or for a different employer in a full-time position, may elect an alternative separation-from-service requirement of at least two (2) months followed by a forfeiture of the member's retirement allowance for one (1) month. During the period that the member forfeits his or her retirement allowance and thereafter, member and employer contributions shall be made to the retirement system as a result of employment in any position subject to membership in the retirement system. The member shall contribute to an account with the retirement system subject to the conditions set forth in subsection (5) of this section. For purposes of measuring the separation-from-service requirements set forth throughout this section, a member's separation-from-service begins on the first day following the last day of paid employment for the member prior to retirement.

(c) Failure to comply with *the*[~~these~~] separation-from-service requirements *in this subsection* voids a member's retirement and the member shall be required to return all the retirement benefits he or she received, with interest, for the period of time that the member returned to work without a sufficient separation from service.

(8) *(a) Effective July 1, 2004, local school districts may employ retired members in full-time or part-time teaching or administrative positions without limitation on the compensation of the retired members that is otherwise required by subsections (1) and (2) of this section. Under provisions of this subsection, a local school district*

may only employ retired members to fill critical shortage positions for which there are no other qualified applicants as determined by the local superintendent. The number of retired members that a local school district may employ under this subsection shall be no more than two (2) members per local school district or one percent (1%) of the total active members employed by the local school district on a full-time basis as defined under Section 1(21) of this Act, whichever number is greater. Retired members returning to work under this subsection shall be subject to the separation-from-service requirements set forth in subsection (7) of this section. Retired members returning to work under this subsection shall waive their medical insurance coverage with the retirement system during their period of reemployment and receive medical insurance coverage that is offered to other full-time members employed by the local school district. Retired members returning to work under this subsection shall contribute to an account subject to the conditions set forth in subsection (5) of this section. Retired members returning to work under this subsection shall make contributions to the retirement system at the rate provided under KRS 161.540. The employer shall make contributions at the rate provided under Section 12 of this Act. Local school districts shall make annual payments to the retirement system on the compensation paid to the reemployed retirees at the rates determined by the retirement system's actuary that reflect any accrued liability resulting from the reemployment of these members.

(b) The Department of Education may employ retired members in full-time or part-time teaching positions without the limitations on compensation otherwise required by subsections (1) and (2) of this section to fill critical shortage areas in the schools it operates, including the Kentucky School for the Blind, the Kentucky School for the Deaf, and the Kentucky Virtual High School. The department shall be subject to the same requirements as local school districts as provided in paragraph (a) of this subsection.

(9) Members who retired on or before June 30, 2002, may, for the fiscal year concluding on June 30, 2007, be reemployed under the one hundred (100) day provisions of this section as they existed on June 30, 2002, except that members returning to work under those provisions shall make contributions to the Kentucky Teachers' Retirement System at the rate provided under KRS 161.540 and members' employers shall make contributions to the Kentucky Teachers' Retirement System at the rates specified under KRS 161.550. Those members returning to work under the one hundred (100) day provisions of this section as they existed on June 30, 2002, shall further waive their medical insurance coverage with the retirement system during the period of reemployment and will instead receive the medical insurance coverage generally provided by their active employer to other members of the retirement system that the active employer employs. If medical insurance coverage is not available from the employer, the Kentucky Teachers' Retirement System may provide coverage for the member. Notwithstanding any other statute to the contrary, retired members returning to work shall under no circumstances be permitted to purchase as service credit service provided under the one hundred (100) day provisions of this section as they existed on June 30, 2002. ***Any member who exceeds the one hundred (100) day limitation of this subsection shall be subject to having his or her retirement voided and be required to return all retirement allowances and other benefits paid to the member or on the member's behalf since the effective date of retirement. In lieu of voiding a member's retirement, the system may reduce the member's retirement allowance or any other benefits to which the member would otherwise be entitled on a dollar-for-dollar basis for each dollar of compensation that the member earns in employment exceeding one hundred (100) days.***

(10)~~[(9)]~~ The return to work limitations set forth in this section and KRS 161.603 shall apply to retired members who are returning to work in the same position from which they retired, or a position substantially similar to the one from which they retired, or any position listed in KRS 161.220(4) which requires membership in the retirement system. Positions which generally require certification or graduation from a four (4) year college or university as a condition of employment which are created, or changed to remove the position from coverage under KRS 161.220(4) are also subject to the return to work limitations set forth in this section and KRS 161.603. The board of trustees shall determine whether employment in a nonteaching position is subject to this subsection.

(11)~~[(10)]~~ The provisions of subsections (1) to ***(9)***~~[(8)]~~ of this section are not subject to KRS 161.714.

(12)~~[(11)]~~ ***Retired members may be employed in a part-time teaching capacity by an agency described***~~[Members retired from an agency listed]~~ in KRS 161.220(4)(b) or (n) ~~[may be employed in a part-time teaching capacity by one (1) of the universities or community colleges participating in the Teachers' Retirement System]~~, not to exceed the equivalent of twelve (12) teaching hours in any one (1) fiscal year. ***Retired*** members~~[retired from an agency listed in KRS 161.220(4)(b) or (n)]~~ may be employed for a period not to exceed the equivalent of one hundred (100) days in any one (1) fiscal year in a part-time administrative or nonteaching capacity by ***an agency described in Section 1(4)(b) or (n) of this Act***~~[one (1) of the universities or community colleges participating in the Teachers' Retirement System]~~ in a position that would otherwise be covered by the retirement system.~~[None of these members shall be subject to]~~ The return to work provisions set forth in subsections (1) to ***(9)***~~[(8)]~~ of this section ***shall not apply to retired members who return to work solely for an agency described in Section 1(4)(b) or (n) of this Act***. Calculation of the number of days ***and teaching hours*** for part-time teaching, substitute teaching, or part-time employment in a nonteaching capacity under this section shall not exceed the ratio between a school year and the actual months of retirement for the member during that school year. The board of trustees by administrative regulation may establish fractional equivalents of a day of teaching service. ***Any member who exceeds the twelve (12) hour or one hundred (100) day limitations of this subsection shall be subject to having his or her retirement voided and be required to return all retirement allowances and other benefits paid to the member or on the member's behalf since the effective date of retirement. In lieu of voiding a member's retirement, the***

system may reduce the member's retirement allowance or any other benefit to which the member would otherwise be entitled on a dollar-for-dollar basis for each dollar of compensation that the member earns in employment exceeding twelve (12) hours, one hundred (100) days, or any apportionment of the two (2) combined.

(13)[~~(12)~~] When a retired member returns to employment in a part-time teaching capacity or in a nonteaching capacity as provided in subsection (11) of this section, the employer shall contribute annually to the retirement system on the compensation paid to the retired member at rates determined by the retirement system actuary that reflect accrued liability for retired members who return to work under subsection (11) of this section.

(14) For retired members who return to work during any one (1) fiscal year in both a position described in Section 1(4)(b) or (n) of this Act and in a position described under another provision under Section 1(4) of this Act, and for retired members who return to work in a position described under Section 1(4)(b) or (n) in both a teaching and an administrative or nonteaching capacity, the board of trustees shall adopt a methodology for a pro rata apportionment of days and hours that the retired member may work in each position.

Section 17. KRS 161.612 is amended to read as follows:

Effective July 1, 2002, any individual occupying a position on a part-time basis that requires certification or graduation from a four (4) year college or university as a condition of employment and any individual providing part-time or substitute teaching services that are the same or similar to those teaching services provided by certified, full-time teachers shall be a member of the Kentucky Teachers' Retirement System, according to the conditions set forth in this section, if the individual is employed by one (1) of the public boards, institutions, or agencies set forth in KRS 161.220***, excluding those public boards, institutions, and agencies described in Section 1(4)(b) and (n) of this Act***. Members providing part-time and substitute services shall participate in the retirement system as follows:

(1) Members providing part-time and substitute services shall accrue service credit as provided under KRS 161.500 and be entitled to a retirement allowance upon meeting the service retirement conditions of KRS 161.600. The board of trustees shall adopt a methodology for accrediting service credit to these members on a pro rata basis. The methodology adopted by the board of trustees may be amended as necessary to ensure its actuarial soundness. The retirement allowance for members providing part-time and substitute services shall be calculated pursuant to KRS 161.620. Members providing part-time and substitute services who meet the service retirement conditions of KRS 161.600 may also be eligible to participate as approved by the board of trustees in the medical insurance program provided by the retirement system under KRS 161.675. Members providing part-time and substitute services shall make contributions to the Kentucky Teachers' Retirement System at the rate provided under KRS 161.540. A member who provides part-time or substitute services, or in the event of the death of the member, the member's estate or applicably designated beneficiary, will be entitled, within ninety (90) days of the posting of the annual report submitted by the member's employer, to a refund of contributions as permitted and limited by KRS 161.470.

(2) The board of trustees shall adopt eligibility conditions under which members providing part-time and substitute services may participate in the benefits provided under KRS 161.520, ***Section 23 of this Act***[~~161.555~~], 161.661, and 161.663. The board of trustees may adopt eligibility conditions under which members providing part-time or substitute services may participate in other benefits offered by the retirement system. All eligibility conditions adopted by the board of trustees pursuant to this subsection may be amended as necessary to ensure their actuarial soundness.

(3) In addition to the pro rata methodology adopted by the board of trustees under subsection (1) of this section, members providing part-time and substitute services shall be subject to all limitations and conditions regarding the accrual, retention, accreditation, and use of service credit that apply to members providing full-time services. In addition to the eligibility conditions set forth by the board of trustees under subsection (2) of this section, members providing part-time and substitute services shall be subject to all limitations and conditions regarding both the eligibility to participate and the extent of participation in any benefit offered under KRS 161.220 to 161.716 that apply to members providing full-time services.

(4) ***Notwithstanding any other provisions of this section to the contrary, instructional assistants who provide teaching services in the local school districts on a full-time basis in positions covered by the County Employees Retirement System who are used as substitute teachers on an emergency basis for five (5) days or less during any one (1) fiscal year shall not be considered members of the Teachers' Retirement System during that period in which they are serving as substitute teachers for five (5) days or less.***

(5) The board of trustees may adopt a pro rata methodology to determine the annual compensation of members providing part-time and substitute services in order to determine benefits provided under KRS 161.661 and 161.663. Members providing part-time and substitute services who had retirement contributions posted to their accounts during the previous fiscal year and who have not had those contributions refunded to them are eligible to vote for the board of trustees.

(6) The board of trustees of the Teachers' Retirement System shall be responsible for final determination of membership eligibility and may direct employers to take whatever action that may be necessary to correct any error relating to membership.

(7)[~~(5)~~] The provisions of this section are not subject to KRS 161.714.

Section 18. KRS 161.614 is amended to read as follows:

A court order awarding additional back salary to or reinstating a member as a result of employment in a position covered by the Kentucky Teachers' Retirement System shall entitle the member to additional salary or service credit, or both, under the following circumstances:

(1) Members shall make contributions to the Kentucky Teachers' Retirement System at the rate set forth in KRS 161.540 and members' employers shall make contributions at the rate set forth in KRS 161.550, with interest accruing on all contributions at the rate of eight percent (8%) per annum from the end of each fiscal year that back salary or the reinstatement was ordered. Contributions, plus interest, shall be made for each year that back salary or reinstatement was ordered. No service or salary credit shall be credited to a member's account unless full contributions are paid to the Kentucky Teachers' Retirement System.

(2) The member may have court-ordered back salary credited to his or her account only to the extent that the member actually received payment for the back salary and only to the extent that the court-ordered back salary is within the salary scale that was available to the member in the covered position for the years that the back salary was awarded. Court-ordered back salary can be credited to the member's account only as permitted under KRS 161.220(9) and (10). ***The member may have court-ordered service credited to his or her account only after the retirement system has received the contributions and interest on the full compensation that would normally be earned in the position that is the subject of the litigation.***

(3) The member's employer ordered to pay back salary or to reinstate the member by a court of competent jurisdiction shall provide the retirement system with a breakdown of the back salary awarded to the member on a year-by-year basis.

(4) The calculations of the contributions and interest required to be paid for court-ordered back salary or reinstatement shall be provided by the retirement system to the member or the member's employer at the member's or employer's request. Requests for these calculations shall be made with at least two (2) weeks of advance notice to the retirement system to provide these calculations. The retirement system will calculate accrued interest as of the last day of the month during which payment of the full contributions are made.

(5) For purposes of this section, a settlement agreement that provides back salary or reinstatement, and is adopted by order or judgment of a court of competent jurisdiction or is referenced in an order dismissing the action as settled shall have the same effect as a court order adjudicating the matter. Orders entered by a government board or agency as a result of litigation conducted on an administrative hearing level shall be considered as court orders for the purposes of this section.

(6) Under no circumstances shall a member be entitled to service credit as a result of court-ordered reinstatement that is in violation of the provisions of KRS ***161.500***[~~161.550~~].

Section 19. KRS 161.620 is amended to read as follows:

(1) The retirement allowance, in the form of a life annuity with refundable balance, of a member retiring for service shall be calculated as follows:

  (a) For retirements effective July 1, 1998, and thereafter, except as otherwise provided by this section, the annual allowance for each year of service shall be two percent (2%) of the final average salary for service performed prior to July 1, 1983, and two and one-half percent (2.5%) of the final average salary for service performed after July 1, 1983, for all members not employed by a state college or university. The annual retirement allowance for each year of service performed by members of the Teachers' Retirement System who are members under the provisions of KRS 161.220(4)(b) or (n) shall be two percent (2%) of the final average salary. Actuarial discounts due to age or service credit at retirement may be applied as provided in this section; and

  (b) For individuals who become members of the Kentucky Teachers' Retirement System on or after July 1, 2002, except those persons who become members under KRS 161.220(4)(b) or (n), and who upon retirement have earned less than ten (10) full years of service credit, the retirement allowance shall be two percent (2%) of the member's final average salary for each year of service. For individuals who become members of the Kentucky Teachers' Retirement System on or after July 1, 2002, except those persons who become members under KRS 161.220(4)(b) or (n), and who upon retirement have earned at least ten (10) full years of service credit, the annual allowance for each year of service shall be two and one-half percent (2.5%) of the member's final average salary.

  (c) The board of trustees may approve for members who initially retire on or after July 1, 2004, except those persons who are members under KRS 161.220(4)(b) or (n), a retirement allowance of three percent (3%) of the member's final average salary for each year of service credit earned in excess of thirty (30) years. This three percent (3%) factor shall be in lieu of the two and one-half percent (2.5%) factor provided for in paragraph (b) of this subsection for every year or fraction of a year of service in excess of thirty (30) years. Upon approval of this three percent (3%) retirement factor, the board of trustees may establish conditions of eligibility regarding the type of service credit that will qualify for meeting the requirements of this subsection. This subsection is optional with the board of trustees and shall not be subject to KRS 161.714.

  (d) The retirement allowance of a member at retirement***, as measured on a life annuity,*** shall not exceed the member's last ***yearly salary***[~~annual compensation~~] or the member's final average salary, whichever is the greater amount. ***For purposes of this section, "yearly salary" means the compensation earned by a member during the most recent period of contributing service, either consecutive or nonconsecutive, preceding the member's effective retirement date and shall be subject to the provisions of Section 1(9) and (10) of this Act.***

(2) Effective July 1, 2002, and annually on July 1 thereafter, the retirement allowance of each retired member and of each beneficiary of a retirement option shall be increased in the amount of one and one-half percent (1.5%), provided the retired member had been retired for at least the full twelve (12) months immediately preceding the date that the increase is effective. In the event that the retired member had been retired for less than the full twelve (12) months immediately preceding the date that the increase is effective, then the increase shall be reduced on a pro rata basis by each month that the retired member had not been retired for the full twelve (12) months immediately preceding the effective date of the increase.

(3) Any member qualifying for retirement under a life annuity with refundable balance shall be entitled to receive an annual allowance amounting to not less than four hundred dollars ($400) effective July 1, 2002, and not less than four hundred forty dollars ($440) effective July 1, 2003, multiplied by the service credit years of the member. These minimums shall apply to the retired members receiving annuity payments and to those members retiring on or subsequent to the effective dates listed in this subsection.

(4) The minimum retirement allowance provided in this section shall apply in the case of members retired or retiring under an option other than a life annuity with refundable balance in the same proportion to the benefits of the member and his beneficiary or beneficiaries as provided in the duly-adopted option tables at the time of the member's retirement.

(5) Effective July 1, ***2004***[~~2002~~], the monthly allowance of each retired member and each recipient of a retirement option of the retired member may be increased in an amount not to exceed ***eight-tenths of one percent (0.8%)***[~~one and four-tenths percent (1.4%)~~] of the monthly allowance in effect the previous month, provided the retired member had been retired for at least the full twelve (12) months immediately preceding the date that the increase is effective. In the event that the retired member had been retired for less than the full twelve (12) months immediately preceding the date that the increase is effective, then the increase shall be reduced on a pro rata basis by each month that the retired member had not been retired for the full twelve (12) months immediately preceding the effective date of the increase. The level of increase provided for in this subsection shall be determined by the funding provided in the 2002-2004 biennium budget appropriation.

(6) Effective July 1, ***2005***[~~2003~~], the monthly allowance of each retired member and each recipient of a retirement option of the retired member may be increased in an amount not to exceed ***seven-tenths of one percent (0.7%)***[~~one and one-half percent (1.5%)~~] of the monthly allowance in effect the previous month, provided the retired member had been retired for at least the full twelve (12) months immediately preceding the date that the increase is effective. In the event that the retired member had been retired for less than the full twelve (12) months immediately preceding the date that the increase is effective, then the increase shall be reduced on a pro rata basis by each month that the retired member had not been retired for the full twelve (12) months immediately preceding the effective date of the increase. The level of increase provided for in this subsection shall be determined by the funding provided in the 2002-2004 biennium budget appropriation.

(7) Effective July 1, 1990, monthly payments of two hundred dollars ($200) shall be payable for the benefit of an adult child of a member retired for service when the child's mental or physical condition is sufficient to cause dependency on the member at the time of retirement. Eligibility for this payment shall continue for the life of the child or until the time the mental or physical condition creating the dependency no longer exists or the child marries. Benefits under this subsection shall apply to legally adopted survivors provided the proceedings for the adoption were initiated at least one (1) year prior to the death of the member. The board of trustees shall be the sole judge of eligibility or dependency and may require formal application or information relating thereto.

(8) Members of the Teachers' Retirement System shall be subject to the annuity income limitations imposed by Section 415 of the Internal Revenue Service Code.

(9) Compensation in excess of the limitations imposed by Section 401(a)(17) of the Internal Revenue Code shall not be used in determining a member's retirement annuity. The limitation on compensation for eligible members shall not be less than the amount which was allowed to be taken into account by the retirement system in effect on July 1, 1993. For this purpose, an eligible member is an individual who was a member of the retirement system before the first plan year beginning after December 31, 1995.

Section 20. KRS 161.630 is amended to read as follows:

(1) A member, upon retirement, shall receive a retirement allowance in the form of a life annuity, with refundable balance, as provided in KRS 161.620, unless an election is made before the effective date of retirement to receive actuarially equivalent benefits under options which the board of trustees approves. No option shall provide for a benefit with an actuarial value at the age of retirement greater than that provided in KRS 161.620. This section does not apply to disability allowances as provided in KRS 161.661(1).

(2) The ***retirement***[~~benefit~~] option chosen by a retiree at the time of service retirement shall remain in force unless the retiree elects to make a change under the following conditions:

(a) A divorce, annulment, or marriage dissolution following retirement shall, at the election of the retiree, cancel any optional plan selected at retirement ***that provides***[~~to provide~~] continuing benefits to ***a spousal***[~~the~~] beneficiary and return the retiree to a single lifetime benefit equivalent as determined by the board; or

(b) Following marriage or remarriage, or the death[~~ of a spouse, or the death~~] of ***the***[~~any other~~] designated beneficiary, a retiree may elect a new optional plan of payment based on the actuarial equivalent of a single lifetime benefit at the time of the election, as determined by the board. The plan shall become effective the first of the month following receipt of an application on a form approved by the board.

(3) Except as otherwise provided in this section, a beneficiary designation shall not be changed after the effective date of retirement except for retirees who elect the~~[straight]~~ life annuity with refundable balance option or the predetermined years certain and life thereafter option.

(4) A member who experiences a qualifying event under subsection (2) of this section and who elects a new optional plan of payment shall make that election within sixty (60) days of the qualifying event.

Section 21. KRS 161.640 is amended to read as follows:

(1) Retirement annuities shall be payable monthly. The first payment to an annuitant shall be made at the payment date at the end of one (1) full payment period after his retirement and shall consist of one (1) regular monthly payment. Retirement for a member receiving one (1) full year of service credit during a fiscal year shall be no earlier than July 1 next following the end of such fiscal year. *Notwithstanding any other statutory provisions to the contrary, members filling positions that customarily require twelve (12) months of service during a fiscal year cannot retire prior to July 1 without a corresponding pro rata reduction in salary and service credit. The board of trustees may determine which positions customarily require twelve (12) months of service during a fiscal year.*

(2) The board of trustees may enter into agreements with retired members for payroll deductions when it is deemed in the best interest of the retired members and the retirement system.

(3) All new retirees, on or after July 1, 1998, shall receive their monthly annuity checks by electronic fund transfer. All annuity and survivor monthly allowance payments shall be made by electronic fund transfer by December 31, 1998.

Section 22. KRS 161.650 is amended to read as follows:

(1) In the case of death of a member who has retired by reason of service or disability, any portion of the member's accumulated contributions, including member contributions to the state accumulation fund and regular interest to the date of retirement, that has not, and will not be paid as an allowance or benefit shall be paid to the member's beneficiary in such manner as the board of trustees elects.

(2) The member may designate a primary beneficiary or two (2) or more co-beneficiaries to receive any remaining accumulated member contributions payable under this section. A contingent beneficiary may be designated in addition to the primary beneficiary or the co-beneficiaries. The member may designate two (2) or more contingent beneficiaries. To the extent permitted by the Internal Revenue Code, a trust may be designated as beneficiary for receipt of any remaining accumulated member contributions. Any beneficiary designation made by the member shall remain in effect until changed by the member on forms prescribed by the retirement system, except in the event of subsequent divorce. A final divorce decree shall terminate the beneficiary status of an ex-spouse, unless subsequent to divorce the member redesignates the former spouse as a beneficiary. A final divorce decree shall not terminate the designation of a trust as beneficiary regardless of who is designated as beneficiary of the trust. In the event that the member fails to designate a beneficiary, any remaining accumulated member contributions shall be payable to the member's estate.

Section 23. KRS 161.655 is amended to read as follows:

(1) Effective July 1, 2000, the Teachers' Retirement System shall*:*

(a) Provide a life insurance benefit in a minimum amount of five thousand dollars ($5,000) for its members who are retired for service or disability. This life insurance benefit shall be payable upon the death of a member retired for service or disability to the member's estate or to a party designated by the member on a form prescribed by the retirement system*; and*

(b) ~~[The Teachers' Retirement System shall]~~Provide a life insurance benefit in a minimum amount of two thousand dollars ($2,000) for its active contributing members. This life insurance benefit shall be payable upon the death of an active contributing member to the member's estate or to a party designated by the member on a form prescribed by the retirement system.

(2) The member may name one (1) primary and one (1) contingent beneficiary for receipt of the life insurance benefit. To the extent permitted by the Internal Revenue Code, a trust may be designated as beneficiary for receipt of the life insurance benefit. Any beneficiary designation made by the member shall remain in effect until changed by the member on forms prescribed by the retirement system, except in the event of subsequent divorce. A final divorce decree shall terminate the beneficiary status of an ex-spouse, unless subsequent to divorce the member redesignates the former spouse as a beneficiary. A final divorce decree shall not terminate the designation of a trust as beneficiary regardless of who is designated as beneficiary of the trust.

(3) Application for payment of life insurance proceeds shall be made to the Teachers' Retirement System together with acceptable evidence of death and eligibility. The reciprocal provisions of KRS 61.680(2)(a) shall not apply to the coverage and payment of proceeds by the life insurance benefit under this section.

(4)~~[(2)]~~ Suit or civil action shall not be required for the collection of the proceeds of the life insurance benefit provided for by this section, but nothing in this section shall prevent the maintenance of suit or civil action against the beneficiary or legal representative receiving the proceeds of the life insurance benefit.

Section 24. KRS 161.680 is amended to read as follows:

If any change or error in a record results in any ***individual***~~[employee or beneficiary]~~ receiving from the retirement system more or less than ***the individual***~~[he]~~ was entitled to receive, the board of trustees shall, when the error is discovered, correct the error, and as far as practicable adjust the payments so that the actuarial equivalent of the benefit to which ***the individual***~~[he]~~ was entitled shall be paid.

Section 25. KRS 161.568 is amended to read as follows:

(1) Eligibility to participate in the optional retirement plan shall be determined by the board of regents of each of the state public postsecondary education institutions identified in KRS 161.220(4)(b). The employees of these institutions of higher education who are initially employed on or after the implementation date of the optional retirement plan may make an~~[irrevocable]~~ election to participate in the optional retirement plan within thirty (30) days after their employment date. ***This election shall be irrevocable except as otherwise provided in this subsection.*** No member of the Kentucky Teachers' Retirement System who terminates employment and is subsequently reemployed by the same or another public postsecondary education institution which participates in the Kentucky Teachers' Retirement System may be eligible to elect to participate in the optional retirement plan unless the date of reemployment is at least six (6) months after the date of termination. ***Any person who previously elected to participate in the optional retirement plan may irrevocably elect one (1) time during his or her lifetime to change his or her election and to prospectively participate in the Kentucky Teachers' Retirement System. This election to change from the optional retirement plan to Kentucky Teachers' Retirement System shall be effective beginning on the first day of the first month immediately following the date that written application for the election is received in the retirement system's office on forms prescribed by the system.*** These elections shall be made in writing and filed with the appropriate officer of the employer institution.

(2) Elections of eligible employees hired on or after the implementation date of the optional retirement plan at their employer institution shall be effective on the date of their employment. If an eligible employee hired subsequent to the implementation date at the employer institution fails to make the election provided for in this section, he shall become a member of the regular retirement plan of the Kentucky Teachers' Retirement System.

Section 26. KRS 161.569 is amended to read as follows:

(1) Any person electing to participate in the optional retirement plan shall be ineligible for membership in the regular retirement plan of the Kentucky Teachers' Retirement System for as long as he is employed in a position for which the optional retirement plan is available***, except as provided in subsection (1) of Section 25 of this Act***.

(2) Any person electing to participate in the optional retirement plan shall acknowledge in writing that the benefits payable to participants are not the obligation of the Commonwealth of Kentucky or the Kentucky Teachers' Retirement System, and that these benefits and other rights of the optional retirement plan are the liability and responsibility solely of the designated companies to which contributions have been made.

(3) Benefits shall be payable to optional retirement plan participants or their beneficiaries by the designated companies in accordance with the contracts issued by each company and the retirement plan provisions adopted by each public institution.

(4) Annuity contracts issued under the optional retirement plan and all rights of a participant in the optional retirement plan shall be exempt from any state, local, or municipal tax; assessment for the insolvency of any life, health, or casualty insurance company; any levy or sale, garnishment, or attachment; or any process whatsoever, and shall be unassignable except as otherwise specifically provided by the contracts offered under the optional retirement plan adopted by the respective public institutions of higher education. Except contracts issued and rights accrued in the optional retirement plan on or after January 1, 1998, shall be subject to the tax imposed by KRS 141.020, to the extent provided in KRS 141.010 and 141.0215.

(5) (a) Each institution shall contribute on behalf of each participant in its optional retirement program the following:

1. To the designated company or companies, an amount equal to the amount that would have been payable to the Kentucky Teachers' Retirement System if the member had elected to participate in that plan instead of the optional retirement plan, less the amount contributed to the Kentucky Teachers' Retirement System pursuant to subparagraph 2. of this paragraph; and

2. To the Kentucky Teachers' Retirement System, an amount equal to the contribution which would have been payable to the Kentucky Teachers' Retirement System on account of the unfunded liability if the member had elected to participate in that plan instead of the optional retirement plan. The rate of contribution shall be determined annually by the Kentucky Teachers' Retirement System actuary. This payment shall continue to be made on behalf of all participants in the optional retirement plan until July 1, 2018, the current amortization period of the Kentucky Teachers' Retirement System.

(b) Each participant shall contribute an amount equal to the present member contribution to the Kentucky Teachers' Retirement System. Employee contributions to the optional retirement plan shall be made by salary reduction under either Section 403(b) or 414(h) of the Internal Revenue Code of 1986.

Section 27. The provisions of subsection (8) of Section 16 of this Act supercede the provisions relating to critical shortage positions set forth in 2003 Kentucky Acts ch. 156, sec. 1.

Section 28. Whereas retirement annuity adjustments are implemented at the beginning of the fiscal year, an emergency is declared to exist, and this Act takes effect July 1, 2004.

Representative Rasche moved that the House concur in the Senate Committee Substitute No. 1 to **HB 434**. Agreed.

Representative Rasche moved that **HB 434**, by way of Senate Committee Substitute, be passed.

On the roll call the vote was: **Yeas 90, Nays 1** (See March 29, 2004, roll call on **HB 434** - Appendix.)

HB 434, by way of Senate Committee Substitute, was passed and the title agreed to.

Representative Rasche moved that the vote by which **HB 434**, by way of Senate Committee Substitute, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 162, with Senate Floor Amendment attached thereto, taken from the Orders of the Day. Representative Adkins moved that it be placed upon its passage for concurrence or non concurrence. Agreed.

The Senate Floor Amendment No. 2 to **HB 162** is as follows:

HB 162, On page 1, line 17, by deleting the second "*and*"; and

On page 1, line 21, by deleting the "*.*" and inserting in lieu thereof "*; and*"; and

On page 1, after line 21 but before line 22, by inserting the following:

"*(g) "Improper payment" means a payment made to a vendor, provider, or recipient due to error, fraud, or abuse.*"; and

On page 1, line 23, after "*it*" by inserting "*, including debts due to improper payments,*"; and

On page 2, line 12, after "*debts*" by inserting "*, including debts due to improper payments,*"; and

On page 3, line 10, after "*interest*" by inserting "*from the time of referral until paid,*"; and

On page 4, after line 3 but before line 4, by inserting the following:

"*(f) This section shall not affect the collection of performance or reclamation bonds.*"; and

On page 4, line 11, after "*debts*" by inserting "*, including debts due to improper payments,*"; and

On page 4, line 20, after "*agency,*" by inserting "*including debts due to improper payments,*"; and

On page 4, line 21, after "*type,*" by inserting "*category,*"; and

On page 4, line 24, after "*debt*" by inserting "*, including debts due to improper payments,*"; and

On page 11, after line 15, by adding the following:

"SECTION 7. A NEW SECTION OF KRS CHAPTER 45 IS CREATED TO READ AS FOLLOWS:

(1) The Court of Justice shall initiate, by October 1, 2004, fully implement by October 1, 2005, and thereafter maintain a system for tracking and identifying debts.

(2) The Court of Justice, Justice Cabinet, and Revenue Cabinet shall collaborate to implement a system, if feasible, to identify and collect liquidated debts in existence prior to the implementation date of the system required by subsection (1) of this section. Confidential information shared among these entities to identify and collect debts shall not be divulged to any unauthorized person. Debts collected under this subsection shall be reported annually to the Legislative Research Commission beginning on October 1, 2005, and ending with the report filed on or before October 1, 2009.".

Representative Moberly moved that the House concur in Senate Floor Amendment No. 2 to **HB 162**. Agreed.

Representative Moberly moved that **HB 162**, as amended by the Senate, be passed.

On the roll call the vote was: **Yeas 90, Nays 0.** (See March 29, 2004, roll call on **HB 162** - Appendix.)

HB 162, as amended by the Senate, was passed and the title agreed to.

Representative Moberly moved that the vote by which **HB 162**, as amended by the Senate, was passed be reconsidered and said motion be placed on the table. Agreed.

HJR 11, with Senate Floor Amendment and Senate Committee Amendment attached thereto, taken from the Orders of the Day. Representative Adkins moved that it be placed upon its passage for concurrence or non concurrence. Agreed.

The Senate Floor Amendment No. 1 to **HJR 11** is as follows:

HJR 11, On page 3, after line 21, by inserting the following:

"Section 9. The Transportation Cabinet shall name United States Route 421 the "Vietnam Veterans Memorial Highway" beginning at the northern city limits of the city of Manchester in Clay County, continuing through Clay and Jackson counties, and ending at the Rockcastle County line. The cabinet shall, within 30 days of the effective date of this Resolution, erect signs periodically along the route identified in this section that read "Vietnam Veterans Memorial Highway." ".

Representative J. Lee moved that the House concur in Senate Floor Amendment No. 1 to **HJR 11**. Agreed.

Representative J. Lee moved that **HJR 11**, as amended by the Senate, be passed.

On the roll call the vote was: **Yeas 91, Nays 0.** (See March 29, 2004, roll call on **HJR 11** - Appendix.)

HJR 11, as amended by the Senate, was passed.

The Senate Committee Amendment No. 1 Title to **HJR 11** is as follows:

HJR 11, By amending the title to read: "A JOINT RESOLUTION naming various highways.".

Representative J. Lee moved that the House concur in Senate Committee Amendment No. 1 Title to **HJR 11**. Agreed.

Representative J. Lee moved that the vote by which **HJR 11**, as amended by the Senate, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 365, with Senate Committee Substitute and Senate Floor Amendments attached thereto, taken from the Orders of the Day. Representative Adkins moved that it be placed upon its passage for concurrence or non concurrence. Agreed.

The Senate Committee Substitute to **HB 365** is as follows:

HB 365, AN ACT relating to traffic regulations.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 189.214 is amended to read as follows:

(1) As used in this section:

(a) "Appurtenances" means the following devices that do not extend beyond ***the maximum vehicle width as established in subsection (2) of this section by more than*** six (6) inches on either side of a ***recreational vehicle***[~~travel trailer~~]:

1. Hand holds for entry or egress;
2. Load-induced tire bulge;
3. Rearview mirrors;
4. Splash and spray suppressant devices;[~~ and~~]
5. Turn signal lamps; ***and***
6. ***Shade awnings and their mounting hardware;***

(b) "Recreational vehicle" has the meaning set forth in KRS 186.650(4); and

(c) "Width exclusion safety devices" means the following devices that do not extend beyond ***the maximum vehicle width as established in subsection (2) of this section by more than*** three (3) inches on either side of a ***recreational vehicle***[~~travel trailer~~]:

1. Corner caps;
2. Lift pads;
3. Rear or side door hinges and protective hardware;
4. Rain gutters;
5. Side marker lamps;
6. Tarps and tarp hardware; and
7. Wall variations from a true flat.

(2) A recreational vehicle that is one hundred two (102) inches in width and is registered under KRS 186.050, 186.655, or an equivalent statute from another state shall have access to any public state-maintained highway in Kentucky and the

vehicle's appurtenances and width exclusion safety devices shall not exceed the limits defined in this section. A recreational vehicle shall not exceed established weight limits on Kentucky highways without first obtaining an overweight permit issued under this chapter.

Section 2. KRS 189.394 is amended to read as follows:

(1) The fines for speeding in violation of KRS 189.390 shall be:

Mph. Over Limit	Prima Facie or Maximum Speed												
	15	20	25	30	35	40	45	50	55	60	65	***70***	Fine
1	16	21	26	31	36	41	46	51	56	61	66	***71***	$1
2	17	22	27	32	37	42	47	52	57	62	67	***72***	2
3	18	23	28	33	38	43	48	53	58	63	68	***73***	3
4	19	24	29	34	39	44	49	54	59	64	69	***74***	4
5	20	25	30	35	40	45	50	55	60	65	70	***75***	5
6	21	26	31	36	41	46	51	56	61	66	71	***76***	16
7	22	27	32	37	42	47	52	57	62	67	72	***77***	17
8	23	28	33	38	43	48	53	58	63	68	73	***78***	18
9	24	29	34	39	44	49	54	59	64	69	74	***79***	19
10	25	30	35	40	45	50	55	60	65	70	75	***80***	20
11	26	31	36	41	46	51	56	61	66	71	76	***81***	22
12	27	32	37	42	47	52	57	62	67	72	77	***82***	24
13	28	33	38	43	48	53	58	63	68	73	78	***83***	26
14	29	34	39	44	49	54	59	64	69	74	79	***84***	28
15	30	35	40	45	50	55	60	65	70	75	80	***85***	30
16	31	36	41	46	51	56	61	66	71	76	81		32
17	32	37	42	47	52	57	62	67	72	77	82		34
18	33	38	43	48	53	58	63	68	73	78	83		36
19	34	39	44	49	54	59	64	69	74	79	84		38
20	35	40	45	50	55	60	65	70	75	80	85		40
21	36	41	46	51	56	61	66	71					43
22	37	42	47	52	57	62	67	72					46
23	38	43	48	53	58	63	68	73					49

24	39	44	49	54	59	64	69	74	52
25	40	45	50	55	60	65	70	75	55

(2) For speeding in excess of the speeds shown on the specific fine schedule the fine shall be not less than sixty dollars ($60) nor more than one hundred dollars ($100).

(3) For any violation shown on the chart for which a specific fine is prescribed, the defendant may elect to pay the fine and court costs to the circuit clerk before the date of his trial or to be tried in the normal manner. Payment of the fine and court costs to the clerk shall be considered as a plea of guilty for all purposes.

(4) If the offense charged shows a speed in excess of the speeds shown on the specific fine schedule the defendant shall appear for trial and may not pay the fine to the clerk before the trial date.

(5) If the offense occurred in a highway work zone, the fine established by subsection (1) or (2) of this section shall be doubled.

(6) All fines collected for speeding in a highway work zone in violation of KRS 189.390 shall be deposited into a separate trust and agency account within the Transportation Cabinet known as the "Highway Work Zone Safety Fund." The highway work zone safety fund shall be used exclusively by the Transportation Cabinet to hire or pay for enhanced law enforcement of traffic laws within highway work zones.

Section 3. KRS 189.390 is amended to read as follows:

(1) As used in this section, unless the context requires otherwise:

(a) "Business district" means the territory contiguous to and including a highway if, within six hundred (600) feet along the highway, there are buildings in use for business or industrial purposes that occupy three hundred (300) feet of frontage on one (1) side or three hundred (300) feet collectively on both sides of the highway;

(b) "Residential district" means the territory contiguous to and including a highway not comprising a business district if the property on the highway for a distance of three hundred (300) feet or more is improved with residences or residences and buildings in use for business; and

(c) "State highway" means a highway or street maintained by the Kentucky Department of Highways.

(2) An operator of a vehicle upon a highway shall not drive at a greater speed than is reasonable and prudent, having regard for the traffic and for the condition and use of the highway.

(3) ***The speed limit for motor vehicles on state highways within the Commonwealth shall be as follows, unless***[~~If~~] conditions exist that require lower speed for compliance with subsection (2) of this section, ***or the secretary of the Transportation Cabinet establishes a different speed limit in accordance with subsection (4) of this section***[~~the speed of any vehicle in excess of the limits specified in this section shall be unlawful~~]:

(a) ***Seventy (70) miles per hour on interstate highways and parkways;***

(b) ***Fifty-five (55) miles per hour on all other state highways; and***

(c) ***Thirty-five (35) miles per hour in a business or residential district***[~~For vehicles other than motor vehicles of five (5) horsepower or less, thirty-five (35) miles per hour in any business or residential district, except as provided in subsection (5) of this section, and fifty-five (55) miles per hour in other locations, except where the speed limit has been posted at sixty-five (65) miles per hour;~~

~~(b) For motor vehicles of five (5) horsepower or less, thirty-five (35) miles per hour in any location except as provided in subsection (5) of this section;~~

~~(c) Vehicles using off-street parking facilities offered for public use whether publicly or privately owned, fifteen (15) miles per hour~~].

(4) (a) If the secretary of transportation determines, upon the basis of an engineering and traffic investigation, that any speed limit is greater or less than is reasonable or safe under the conditions found to exist at any intersection, or upon any part of a state highway, the secretary of transportation may establish by official order a reasonable and safe speed limit at the location. The secretary shall not increase any speed limit established by subsection (3) of this section in excess of ***seventy (70) miles per hour on an interstate highway or parkway or*** fifty-five (55) miles per hour ***on any other state highway***.

(b) In a highway work zone, the Transportation Cabinet may temporarily reduce established speed limits without an engineering or traffic investigation. A speed limit established under this paragraph shall become effective when and where posted. The Transportation Cabinet shall post signs notifying the traveling public of the temporary highway work zone maximum speed limit. Nothing in this paragraph shall be construed to prevent the Transportation Cabinet from using moveable or portable speed limit signs in highway work zones.

(5) (a) A city or a county may by ordinance establish speed limits within its own jurisdiction, except as provided in paragraph (b) of this subsection.

(b) The alteration of speed limits on state highways within a city or a county shall not be effective until the alteration has been approved by the secretary of transportation. The secretary shall not approve any alteration that could increase any speed limit established by subsection (3) of this section in excess of ***seventy (70) miles per hour on an interstate highway or parkway or*** fifty-five (55) miles per hour ***on any other state highway***.

(c) If a county determines, upon the basis of an engineering and traffic investigation and study, that it is unsafe to park motor vehicles on or along any highway, other than a state highway, within the unincorporated areas of the county, or that in any business district the congestion of traffic justifies a reasonable limitation on the length of time any one (1) motor vehicle is permitted to park in such district so as to reduce the congestion, the fiscal court may by ordinance establish "no parking" areas on the highway, or limit the length of time any motor vehicle may be parked in any business district.

[~~(d) Notwithstanding the other limitations in this subsection, the secretary of transportation may establish, by official order, reasonable and safe speed limits on interstate highways and divided highways with four (4) or more lanes and fully controlled access, a speed limit not to exceed sixty-five (65) miles per hour.~~]

(6) ***The speed limit for motor vehicles in an off-street parking facility offered for public use, whether publicly or privately owned, shall be fifteen (15) miles per hour.***

(7) A person shall not drive a motor vehicle at a speed that will impede or block the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation or in compliance with law.

(8)[~~(7)~~] In every charge for a violation of any speed limit specified in this section, the warrant or citation shall specify the speed at which the defendant is alleged to have driven, and the lawful speed limit applicable at the location where the violation is charged to have occurred.

SECTION 4. A NEW SECTION OF KRS CHAPTER 189 IS CREATED TO READ AS FOLLOWS:

In addition to the penalties prescribed under KRS 189.990 and 189.993, an operator of a motor vehicle who violates the yielding of right-of-way provisions of KRS 189.310, 189.330, 189.338, 189.345, 189.378, subsection (8) of KRS 189.570, KRS 189.575, 189.930, or 189.960 and is involved in an accident shall be subject to the following additional penalties:

(1) If the accident results in the physical injury, as defined by KRS 500.080, of a motorcyclist, bicyclist, or pedestrian, the motor vehicle operator shall be fined two hundred dollars ($200) and his or her operator's license shall be suspended for a period of thirty (30) days;

(2) If the accident results in the serious physical injury, as defined by KRS 500.080, of a motorcyclist, bicyclist, or pedestrian, the motor vehicle operator shall be fined five hundred dollars ($500) and his or her operator's license shall be suspended for a period of ninety (90) days; or

(3) If the accident results in the death of a motorcyclist, bicyclist, or pedestrian, the motor vehicle operator shall be fined one thousand dollars ($1,000) and his or her operator's license shall be suspended for a period of six (6) months.

The Senate Floor Amendment No. 1 to the Senate Committee Substitute to **HB 365** is as follows:

HB 365, On page 4, between lines 22 and 23, by inserting the following:

"***(b) Sixty-five (65) miles per hour on all state highways, other than interstates or parkways, which have four (4) or more lanes;***"; and

On page 4, line 23, by deleting "***(b)***" and inserting "***(c)***" in lieu thereof; and

On page 4, line 24, by deleting "***(c)***" and inserting "***(d)***" in lieu thereof; and

On page 5, line 14, after the words "***parkway or***" by inserting "***sixty-five (65)***"; and

On page 5, line 14 by placing brackets around and striking through the words "fifty-five (55)"; and

On page 6, line 2, after the words "***interstate highway or parkway or***" by inserting "***sixty-five (65)***"; and

On page 6, lines 2 and 3 by placing brackets around and striking through the words "fifty-five (55)".

The Senate Floor Amendment No. 3 to the Senate Committee Substitute to **HB 365** is as follows:

HB 365, On page 7, after line 17, by inserting the following:

"SECTION 5. A NEW SECTION OF KRS CHAPTER 176 IS CREATED TO READ AS FOLLOWS:

(1) The Off-road Motorcycle and ATV Commission is established as an advisory body to assist the Transportation and Tourism Development Cabinets and the Department of Fish and Wildlife Resources in studying the policies and issues surrounding the use of private and public lands by all-terrain vehicles and off-road motorcycles.

(2) The commission shall examine state policies regarding the use of all-terrain vehicles and off-road motorcycles and the effect they have on highway safety and tourism.

SECTION 6. A NEW SECTION OF KRS CHAPTER 176 IS CREATED TO READ AS FOLLOWS:

(1) The Off-road Motorcycle and ATV Commission shall be composed of eleven (11) members, appointed as follows:

(a) The secretary of the Transportation Cabinet, or the secretary's designee;

(b) The secretary of the Tourism Development Cabinet, or the secretary's designee;

(c) The commissioner of the Department of Fish and Wildlife Resources, or the commissioner's designee;

(d) The commissioner of the Kentucky State Police, or the commissioner's designee;

(e) The secretary of the Natural Resources and Environmental Protection Cabinet, or the secretary's designee;

(f) Two (2) representatives of the Kentucky Motorcycle Association, to be appointed by the Governor from a list of five (5) nominees selected by the association;

(g) One (1) member of the Kentucky League of Sportsmen, appointed by the Governor;

(h) One (1) member of the Kentucky Council of Area Development Districts, appointed by the Governor;

(i) One (1) member of an ATV association based in a county within the boundaries of the East Kentucky Corporation as defined by KRS 154.33-510(1), appointed by the Governor; and

(j) One (1) member of an ATV association based in a county within the boundaries of the West Kentucky Corporation as defined by KRS 154.85-010(1), appointed by the Governor;.

(2) Members of the Off-road Motorcycle and ATV Commission shall serve a term of four (4) years. Sitting members shall be eligible to succeed themselves.

(3) Commission members shall receive no compensation for their services, and shall not be compensated for expenses incurred from travel or in connection with the performance of their duties as commission members.

(4) The commission shall elect its chair and vice chair from its membership.

(5) The commission shall meet quarterly or upon the call of the chair or the request of the secretary of the Transportation Cabinet.

(6) A majority of the members of the commission constitutes a quorum and the commission may make recommendations only at meetings where a quorum is present.

(7) The commission shall keep a record of its meetings and recommendations.

(8) For administrative purposes, the commission shall be attached to the Transportation Cabinet's Office of the Secretary.

Section 7. KRS 186.891 is amended to read as follows:

(1) The provisions of KRS 186.890(1) and (2) notwithstanding, all revenues from the collection of fees relating to the motorcycle safety education program fund shall be utilized to provide motorcycle ***training courses as described in KRS 186.875***[~~safety programs~~]. The Transportation Cabinet shall not deduct administrative costs from the motorcycle safety education program fund.

(2) The Transportation Cabinet shall report monthly to the Interim Joint Committee on Appropriations and Revenue on the revenues deposited into the motorcycle safety education program fund, the expenditures incurred, and the available balance in the fund. In addition, the Transportation Cabinet shall identify the safety programs provided, the cost of the programs, location, and number of attendees. ***To facilitate the timely reporting of data under this subsection, the Transportation Cabinet shall enter into agreements with entities that provide the training to require monthly billing and attendance records.***".

The Senate Floor Amendment No. 4 Title to **HB 365** is as follows:

HB 365, By amending the title to read: "AN ACT relating to transportation.".

Representative McKee moved that the House refuse to concur in the Senate Committee Substitute and the Senate Floor Amendments to **HB 365**. Agreed.

HB 595, with Senate Committee Substitute, Senate Committee Amendment, and Senate Floor Amendments attached thereto, taken from the Orders of the Day. Representative Adkins moved that it be placed upon its passage for concurrence or non concurrence. Agreed.

The Senate Committee Substitute to **HB 595** is as follows:

HB 595, AN ACT relating to prescriptive authority of advanced registered nurse practitioners.

WHEREAS, there is a shortage of physicians in rural areas requires advanced nurse practitioners to assume duties that were traditionally performed by physicians; and

WHEREAS, there is some disagreement as to whether the advanced registered nurse practitioners' assuming the duty of prescribing Schedule II through V controlled substances is in the best interest of the patient; and

WHEREAS, over 45 states allow advanced registered nurse practitioners to prescribe Schedule II through V controlled substances under the supervision of a licensed physician; and

WHEREAS, the advanced registered nurse practitioners are increasingly valued in providing medical services; and

WHEREAS, allowing the advanced registered nurse practitioners to prescribe medications provides terminally ill patients better access to care;

NOW, THEREFORE,

Be it resolved by the Senate of the General Assembly of the Commonwealth of Kentucky, the House of Representatives concurring therein:

Section 1. The Legislative Research Commission shall conduct a study regarding the advisability of advanced nurse practitioners prescribing Schedule II to V controlled substances. The study shall survey and evaluate practices in other states and gather data and testimony from affected persons and professionals as to the efficacy of these practices.

Section 2. The Legislative Research Commission shall transmit the results of the study required by Section 1 of this Resolution to the appropriate committees by October 1, 2004.

Section 3. Provisions of this Resolution to the contrary notwithstanding, the Legislative Research Commission shall have the authority to alternatively assign the issues identified herein to an interim joint committee or subcommittee thereof, and to designate a study completion date.

Representative Marzian moved that the House concur in the Senate Committee Substitute to **HB 595**. Agreed.

The Senate Floor Amendment No. 4 to **HB 595** is as follows:

HB 595, On page 1, lines 1 and 2 of the first "WHEREAS, delete "the shortage of physicians in rural areas requires advanced nurse practitioners to assume duties that were traditionally performed by physicians" and insert "there is a shortage of physicians in rural areas, and advanced registered nurse practitioners help to improve access to care" in lieu thereof; and

On page 1, lines 2 and 3 of the third "WHEREAS," and after "prescribe" delete "Schedule II through V controlled substances under the supervision of" and insert "controlled substances at various levels under a collaborative agreement with" in lieu thereof; and

On page 1, line 2, after "advanced" insert "registered".

Representative Marzian moved that the House concur in Senate Floor Amendment No. 4 to the Senate Committee Substitute to **HB 595**. Agreed.

Representative Marzian moved that **HB 595**, by way of Senate Committee Substitute, as amended by the Senate, be passed.

On the roll call the vote was: **Yeas 89, Nays 1.** (See March 29, 2004, roll call on **HB 595** - Appendix.)

HB 595, by way of Senate Committee Substitute, as amended by the Senate, was passed.

The Senate Committee Amendment No. 1 Title to **HB 595** is as follows:

HB 595, Change title to read as follows:

"A Concurrent Resolution to direct the Legislative Research Commission to study the advisability of allowing advanced registered nurse practitioners to prescribe Schedule II through V controlled substances."

Representative Marzian moved that the House concur in Senate Committee Amendment No. 1 Title to **HB 595**. Agreed.

Representative Marzian moved that the vote by which **HB 595**, by way of Senate Committee Substitute, as amended by the Senate, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 510, with Senate Floor Amendment attached thereto, taken from the Orders of the Day. Representative Adkins moved that it be placed upon its passage for concurrence or non concurrence. Agreed.

The Senate Floor Amendment No. 1 to **HB 510** is as follows:

HB 510, On page 9, after line 12, by inserting the following:

"Section 5. KRS 134.460 is amended to read as follows:

(1) Certificates of delinquency shall bear interest from the date of issuance until collected at the rate of twelve percent (12%) per annum simple interest. A fraction of a month is counted as an entire month. ***The total amount of the certificate of***

delinquency, the clerk's add-on fee provided in KRS 134.480, and the county attorney's add-on fee provided in Section 2 of this Act shall be included in the base for the interest calculation.

(2) Certificates of delinquency shall be prima facie evidence that:

(a) The property represented by the certificate was subject to taxes levied thereon, and was assessed as required by law.

(b) The tax bill was valid and correct in all respects.

(c) The taxes were not paid at any time before the issuance of the certificate.

Section 6. KRS 134.500 is amended to read as follows:

(1) ***A certificate of delinquency***[~~Uncollectible tax claims~~] shall bear interest at twelve percent (12%) per annum simple interest from the date the certificate of delinquency is issued. A fraction of a month is counted as an entire month. The ***total amount of the certificate of delinquency***[~~sheriff's add-on fee provided in KRS 134.430~~], the clerk's add-on fee provided in KRS 134.480, and the county attorney's add-on fee provided in this section shall be ***included in the base for***[~~excluded from~~] the interest calculation[~~ except in counties containing cities of the first class or consolidated local government~~]. All tax bills on omitted property that were not turned over to the sheriff in time to be collected or to make the sale provided for in KRS 134.430 and 134.440 shall also be submitted to the fiscal court but shall be carried over as a charge against the sheriff at the time he makes his next regular settlement.

(2) The cabinet shall be responsible for the collection of certificates of delinquency and delinquent personal property tax bills; however, the cabinet shall first offer the collection duties to the county attorney, unless the cabinet determines that the county attorney has previously failed to perform collection duties in a reasonable and acceptable manner. Any county attorney desiring to perform the duties associated with the collection of delinquent tax claims shall enter into a contract with the cabinet on an annual basis. The terms of the contract shall specify the duties to be undertaken by the county attorney. These duties shall include but are not limited to the following actions:

(a) Within fifty (50) days after the issuance of a certificate of delinquency to the state, county, and taxing district, the county attorney or the Revenue Cabinet shall cause a notice of the purchase to be mailed by regular mail to the property owner at the address on the records of the property valuation administrator. The notice shall advise the owner that the certificate is a lien of record against all property of the owner, and bears interest at the rate of twelve percent (12%) per annum, and if not paid will be subject to collection by the county attorney as provided by law.

(b) The county attorney shall file in the office of the county clerk a list of the names and addresses to which the notice was mailed along with a certificate that the notice was mailed in accordance with the requirements of this section.

(c) All notices returned as undeliverable shall be submitted to the property valuation administrator. The property valuation administrator shall attempt to correct inadequate or erroneous addresses and, if property has been transferred, shall determine the new owner and the current mailing address. The property valuation administrator shall return the notices with the corrected information to the county attorney prior to the expiration of the one (1) year tolling period provided in KRS 134.470.

(d) Within ninety (90) days after the expiration of the one (1) year tolling period provided in KRS 134.470, the county attorney shall cause a notice of his intention to enforce the lien to be mailed to all owners whose tax bills remain delinquent. No second notice shall be required for addresses previously determined to be undeliverable and for which the property valuation administrator has not provided corrected information.

(e) Failure to mail the notices shall not affect the validity of the claim of the state, county, and taxing district. The postal cost of mailing the notices shall be added to the certificate of delinquency and, upon collection, the county attorney shall be reimbursed for the postage. The county attorney shall deliver at the same time a list of the owners whose tax bills remain delinquent to the property valuation administrator. The property valuation administrator shall review this list in accordance with the provisions of KRS 132.220 to establish that the properties on the list can be identified and physically located.

(3) The county attorney who enters into a contract with the cabinet shall have a period of two (2) years after the expiration of the one (1) year tolling period provided in KRS 134.470 to collect delinquent tax bills or to initiate court action for their collection. At the expiration of the two (2) years the cabinet may assume responsibility for all uncollected bills except those with pending court action.

(4) The county attorney who enters into a contract with the cabinet and performs his duties in respect to the certificate of delinquency and delinquent personal property tax bills shall be entitled to twenty percent (20%) of the amount due each taxing unit, whether the tax claim is voluntarily paid or is paid through sale or under court order, and the fee shall be paid to him by the county clerk when making distribution, as provided in KRS 134.480. This fee shall be added to the amount of the tax claims and paid by the persons paying the tax claims. They shall not be paid by the taxing districts or deducted from the taxes due the taxing districts. This fee shall be waived if the certificate of delinquency is paid by the taxpayer only within five (5) days of the sheriff's sale. If more than one (1) county attorney renders necessary services in an effort to collect a tax claim, the attorney serving the last notice or rendering the last substantial service preceding collection shall be entitled to the fee. When the county attorney's office, in an effort to collect a certificate of delinquency, or delinquent personal property tax bills files a court action which is litigated by the taxpayer, an additional county's attorney fee equal to thirteen percent (13%) of the total tax plus ten percent (10%) penalty, may be added to the certificate or the bill and shall

become part of the tax claim.

(5) If a county attorney chooses not to contract for these collection duties or if a county attorney fails to perform the duties required by the contract, the cabinet shall assume responsibility for the collection process. In the performance of those duties, the cabinet shall have all the powers, rights, duties, and authority with respect to the collection, refund, and administration of the amount due on the certificate of delinquency conferred generally upon the cabinet by Kentucky Revised Statutes including, but not limited to, KRS Chapters 131, 134, and 135. The twenty percent (20%) fee that would have otherwise been paid to the county attorney shall be paid to the cabinet for deposit in the delinquent tax fund provided for under KRS 134.400.

(6) Any action on behalf of the state, county, and taxing districts authorized by this section or by KRS 134.470, 134.490, or 134.540 shall be filed on relation of the secretary, and the petition may be sent to the cabinet, which may require revision in instances where it deems revision or amendment necessary. The cabinet shall advise the county attorney in all actions, and may send him special assistance when the secretary deems assistance necessary. A copy of the judgment shall also be sent to the cabinet. If the cabinet sends assistance to a county attorney who contracts to prosecute the suits or proceedings, the county attorney shall be entitled to his full fee. On the same day that suit is filed, the county clerk shall be given notice of its filing. Costs incident to the suit shall become a part of the tax claim.

(7) The cabinet may make its delinquent tax collection databases and other technical resources, including but not limited to income tax refund offsetting, available to the county attorney upon request from the county attorney. The county attorney seeking assistance shall enter into any agreements required by the cabinet to protect taxpayer confidentiality, to ensure database integrity, or to address other concerns of the cabinet.

(8) The county attorney may, at any time after assuming collection duties, enter into an agreement with the delinquent taxpayer to accept installment payments on the delinquent tax bill. The agreement shall not waive the county attorney's right to initiate court action or other authorized collection activities if the taxpayer does not make payments in accordance with the agreement."

Representative Meeks moved that the House concur in Senate Floor Amendment No. 1 to **HB 510**. Agreed.

Representative Meeks moved that **HB 510**, as amended by the Senate, be passed.

On the roll call the vote was: **Yeas 84, Nays 6.** (See March 29, 2004, roll call on **HB 510** - Appendix.)

HB 510, as amended by the Senate, was passed and the title agreed to.

Representative Meeks moved that the vote by which **HB 510**, as amended by the Senate, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 441, with Senate Committee Amendments and Senate Floor Amendments attached thereto, taken from the Orders of the Day. Representative Adkins moved that it be placed upon its passage for concurrence or non concurrence. Agreed.

The Senate Committee Amendment No. 1 to **HB 441** is as follows:

HB 441, On page 2, after line 7, by inserting the following:

"SECTION 2. A NEW SECTION OF KRS CHAPTER 317A IS CREATED TO READ AS FOLLOWS:

Nothwithstanding the provisions of this chapter to the contrary, the cosmetology board shall promulgate administrative regulations establishing a reasonable schedule of fees and charges for examinations, for the issuance of licenses, and for the renewal of licenses issued under this chapter. All such fees, charges, and other moneys collected by the board, shall be paid into the State Treasury and credited to a trust and agency fund established under KRS 317A.080.".

Representative McKee moved that the House concur in Senate Committee Amendment No. 1 to **HB 441**. Agreed.

The Senate Floor Amendment No. 2 to **HB 441** is as follows:

HB 441, On page 2, after line 7, by inserting the following:

"Section 2. KRS 317A.050 is amended to read as follows:

(1) The cosmetologist board shall issue an apprentice cosmetologist license to any person who:
    (a) Is of good moral character and temperate habit;
    (b) Is at least sixteen (16) years of age;
    (c) Has at least two (2) years' high school education or its equivalent;
    (d) Has graduated from a licensed school of cosmetology;
    (e) Has passed an examination prescribed by the board to determine fitness to practice as an apprentice cosmetologist;

and

(f) Has paid a fee of twelve dollars ($12).

(2) The cosmetologist board shall issue a cosmetologist license to any person who:

(a) Has at least two (2) years' high school education, or its equivalent;

(b) Has practiced as a licensed cosmetology apprentice for at least six (6) months under the immediate supervision of a licensed cosmetologist;

(c) Has satisfactorily passed an examination prescribed by the board to determine fitness to practice cosmetology; and

(d) Has paid a fee of fifteen dollars ($15).

(3) The cosmetologist board shall issue a license to act as a nail technician to any person who:

(a) Is of good moral character and temperate habit;

(b) Has completed satisfactorily a nail technician course of study of six hundred (600) hours in a licensed school of cosmetology;

(c) Has satisfactorily passed an examination prescribed by the board to determine fitness to practice as a nail technician;

(d) Has two (2) years of high school education or its equivalent; and

(e) Has paid a fee of twelve dollars ($12).

(4) (a) The cosmetologist board shall issue a license to operate a beauty salon to any licensed cosmetologist upon receipt of the completed application, accompanied by a fee of twenty-five dollars ($25). The board may refuse to issue a license if the applicant fails to comply with the provisions of this chapter or the administrative regulations promulgated by the board. If an owner is not a licensed cosmetologist, he shall have a licensed cosmetologist manage the beauty salon at all times. A new license shall be purchased if the salon's owner, manager, or location changes.

(b) The cosmetologist board shall issue a license to operate a nail salon to any licensed nail technician upon receipt of the completed application and payment of a fee of twenty-five dollars ($25). The board may refuse to issue a license if the applicant fails to comply with the provisions of this chapter or administrative regulations promulgated by the board pursuant to this chapter. An owner who is not a licensed nail technician shall have a licensed nail technician or cosmetologist as manager of the nail salon at all times. If the owner, manager, or location of a nail salon changes, a new license shall be purchased.

(c) Any person who leases or rents space in a beauty salon or nail salon shall be considered an independent owner and shall meet the qualifications for the respective salon owner as set out in paragraphs (a) and (b) of this subsection.

(5) The cosmetologist board shall issue an apprentice license to teach cosmetology to any person who:

(a) Has paid a fee of twenty-five dollars ($25);

(b) Has a high school education and one (1) year experience as a licensed cosmetologist; and

(c) Has submitted an application that has been signed by the owners of the school in which the applicant will study. The course of instruction shall be for a period of one thousand (1,000) hours and not less than six (6) months at one (1) school providing this instruction. The school owner shall certify to the board the completion of one thousand (1,000) hours.

(6) The cosmetologist board shall issue a license to teach cosmetology to any person who:

(a) Is of good moral character and temperate habit;

(b) Has a high school education;

(c) Has held an apprentice instructor license for at least six (6) months;

(d) Has satisfactorily passed the examination for the teaching of cosmetology as prescribed by the board; and

(e) Has paid a fee of thirty-five dollars ($35).

(7) The cosmetologist board may issue a license to operate a school of cosmetology to any person who:

(a) Has complied with the administrative regulations promulgated by the board including, but not limited to, administrative regulations governing the necessary equipment, supplies, and facilities;

(b) Has furnished proof to the board that the school of cosmetology is needed, that he is otherwise qualified to operate a school of cosmetology, and that he intends to establish a bona fide school for the education and training of competent cosmetologists and that he will employ a sufficient number of licensed instructors of cosmetology to conduct the school;

(c) That the licensee shall have as manager at all times a person licensed as an instructor who will be charged with the responsibility of having a sufficient number of licensed instructors of cosmetology to conduct the school. The designated manager shall be approved by the board before a license may be issued;

(d) Complies with the administrative regulations promulgated by the board including, but not limited to, those regarding courses, curriculum, and hours of instruction;

(e) Otherwise complies with this chapter;

(f) Has paid a fee of one thousand dollars ($1,000);

(g) Has been a resident of Kentucky for five (5) years, if the applicant is an individual. If the applicant is a firm or corporation, it shall be a Kentucky corporation or licensed or qualified to do business in Kentucky and shall have been in existence for a period of at least five (5) years;

(h) Any student enrolling in the school shall pay a fee of five dollars ($5) to the board before enrollment in the school shall be allowed; and

(i) The transfer of any license to operate a school of cosmetology shall require the board's approval and shall become effective upon filing a new application with the board and paying a fee of one thousand dollars ($1,000).

(8) Licenses issued by the board shall be renewed upon receipt, beginning July 1 through July 31 of each year. Beginning July 1, 1997, any license shall be renewed by the board upon receipt, if the applicant has provided proof of continuing education as determined by the board by promulgation of an administrative regulation. Cosmetology instructors shall provide proof of eight (8) clock hours of continuing education, and cosmetologists and nail technicians shall provide proof of six (6) clock hours of continuing education. The application for renewal shall be completed in full and accompanied by the appropriate renewal fee required by subsection (9) of this section. Applications for renewal shall comply with the provisions of this chapter and the administrative regulations promulgated by the board. Any license application received or postmarked after July 31 shall be considered expired and the appropriate restoration fee required by subsection (11) of this section shall apply. ***The administrative regulations established under this subsection shall allow continuing education credit to be awarded for educational programs sponsored by professional and trade groups that are presented as part of the trade show agenda, upon the professional or trade group or the program's sponsor making application to the board. Programs that focus on specific or brand-name products or promote or advertise a particular product shall be approved for continuing education credit if they, except for the use of specific or brand-name products, meet the criteria required for continuing education programs that use generic products.***

(9) The annual renewal license fee for each type of license renewal shall be as follows:

(a) Apprentice cosmetologist -- $10;

(b) Cosmetologist -- $12;

(c) Nail technician -- $10;

(d) Beauty salon -- $15;

(e) Nail salon -- $15;

(f) Apprentice instructor of cosmetology -- $15;

(g) Instructor of cosmetology -- $25; and

(h) Cosmetology school -- $100.

(10) Applications for examinations required by this section shall be accompanied by an examination fee as follows:

(a) Apprentice cosmetologist -- $25;

(b) Cosmetologist -- $35;

(c) Nail technician --$35;

(d) Instructor of cosmetology -- $50;

(e) Cosmetologist out-of-state -- $75;

(f) Instructor out-of-state -- $150; and

(g) Where examination is not required by the board -- $50.

(11) The fee for the restoration of an expired license where the period of expiration does not exceed five (5) years from date of expiration, shall be as follows:

(a) Apprentice cosmetologist -- $50;

(b) Cosmetologist -- $50;

(c) Nail technician -- $50;

(d) Beauty salon -- $50;

(e) Nail salon -- $50;

(f) Cosmetology school -- $500;

(g) Instructor -- $75; and

(h) Apprentice instructor -- $50.

(12) The requirements for a new license for any person whose license has expired for a period exceeding five (5) years shall be as follows:

(a) Cosmetologists shall retake and pass the practical examination only;

(b) Apprentice cosmetologists shall complete one hundred fifty (150) additional hours training in a licensed school of cosmetology and pass the prescribed examination;

(c) Instructors of cosmetology shall retake and pass both the practical and science examination;

(d) Nail technicians shall retake and pass the practical examination, only; and

(e) The appropriate restoration fee as set forth in subsection (11) of this section shall be required.

(13) Guest artists or demonstrators appearing and demonstrating before persons other than licensed hairdressers, cosmetologists, and nail technicians shall pay a fee of thirty-five dollars ($35) for a permit that shall be in effect for ten (10) days. Guest artists performing before a nonprofit, recognized professional hairdressers, cosmetologists, and nail technicians group shall not be required to pay the fee.

(14) The board shall issue an inactive license to any person licensed under subsections (2), (3), and (6) of this section and in good standing with the board, upon application and submission of a twelve dollar ($12) fee. An inactive licensee shall not be required to complete the continuing education requirements contained in subsection (8) of this section. An inactive license may be restored to active status upon application to the board. In addition, the board may require the completion of continuing education not to exceed the amount required for license renewal for one (1) year. A person who possesses an inactive license shall not engage in the practice of cosmetology for consideration, but an inactive licensee shall have the same right to purchase supplies as accorded an active licensee.

(15) The fee for certification shall be five dollars ($5).

(16) The fee for a duplicate license shall be five dollars ($5).".

Representative McKee moved that the House concur in Senate Floor Amendment No. 2 to **HB 441**. Agreed.

The Senate Floor Amendment No. 1 to **HB 441** is as follows:

HB 441, On page 2, after line 7, by adding the following:

"Section 2. KRS 315.150 is amended to read as follows:

(1) The board shall consist of six (6) members appointed by the Governor. Five (5) members shall be pharmacists licensed in this state. One (1) member shall be a citizen at large, who is not associated with or financially interested in the practice of pharmacy.

(2) ***In any calendar year scheduled to be the last full calendar year of a member's regular term in office,*** the association shall select and submit[~~ annually~~] to the Governor a list of five (5) pharmacists, each of whom has had at least five (5) years' experience in the practice of pharmacy, is a resident of the state and in good standing with the board. On or before March 1 of ***the same***[~~each~~] year, the society, other state pharmacy organizations, or individuals may submit recommendations to the association for its consideration in selecting the list to be submitted. The Governor shall, before October 1 of ***the same***[~~each~~] year, appoint no more than two (2) persons from each list so submitted, to take office on January 1 following. The citizen member shall be appointed by the Governor. No two (2) pharmacist members of the board shall be residents of the same county.

(3) ***Begining January 1, 2005,*** the term of each board member shall be ***four (4)***[~~three (3)~~] years. Each member shall serve until his ***or her*** successor is appointed and qualified, unless removed for cause. No member shall be ***appointed to***[~~so reappointed that he will~~] serve for more than two (2) full terms.

(4) The Governor shall fill any vacancy of a pharmacist member from the names last submitted within sixty (60) days after such a vacancy occurs. Any member so appointed shall commence service at the next regularly-scheduled board meeting and shall serve for the remainder of the term vacated.

(5) Each member shall take and subscribe to an oath before a competent officer to perform the duties of ***the***[~~his~~] office faithfully and impartially. The oath shall be inscribed upon ***the member's***[~~his~~] commission.

(6) Four (4) members of the board shall constitute a quorum."

Representative McKee moved that the House concur in Senate Floor Amendment No. 1 to **HB 441**. Agreed.

The Senate Floor Amendment No. 3 to **HB 441** is as follows:

HB 441, On page 2, after line 7, by inserting the following:

"SECTION 2. A NEW SECTION OF KRS CHAPTER 317A IS CREATED TO READ AS FOLLOWS:

(1) Notwithstanding the provisions of this chapter to the contrary, the cosmetology board shall promulgate administrative regulations establishing a reasonable schedule of fees and charges for examinations, for the issuance of licenses, and for the renewal of licenses issued under this chapter. All such fees, charges, and other moneys collected by the board, shall be paid into the State Treasury and credited to a trust and agency fund established under KRS 317A.080. The fees

shall be established pursuant to subsections (2) to (7) of this section.

(2) The following licensing fees may be assessed by the cosmetology board and shall not exceed the following amounts:

(a)	*Apprentice cosmetologist*	*$25.00;*
(b)	*Cosmetologist*	*$25.00;*
(c)	*Nail technician*	*$25.00;*
(d)	*Beauty salon operator*	*$35.00;*
(e)	*Nail salon operator*	*$35.00;*
(f)	*Apprentice cosmetology instructor*	*$35.00;*
(g)	*Cosmetology instructor*	*$50.00;*
(h)	*School of cosmetology*	*$1,500.00;*
(i)	*Student*	*$15.00; and*
(j)	*School of cosmetology, transfer of ownership*	*$1,500.00.*

(3) The board shall assess the following licensing renewal fees that shall not exceed the following:

(a)	*Apprentice cosmetologist*	*$20.00;*
(b)	*Cosmetologist*	*$20.00;*
(c)	*Nail technician license*	*$20.00;*
(d)	*Beauty salon license*	*$25.00;*
(e)	*Nail salon license*	*$25.00;*
(f)	*Apprentice instructor of cosmetology*	*$25.00;*
(g)	*Instructor of cosmetology*	*$35.00; and*
(h)	*Cosmetology school*	*$150.00.*

(4) The cosmetology board shall assess fees for the taking of an examination that shall not exceed the following:

(a)	*Apprentice cosmetologist*	*$75.00;*
(b)	*Cosmetologist*	*$75.00;*
(c)	*Nail technician*	*$75.00;*
(d)	*Instructor of cosmetology*	*$100.00;*
(e)	*Cosmetologist out-of-state*	*$120.00; and*
(f)	*Instructor out-of-state*	*$200.00.*

(5) The fee for retaking an examination or any portion of an examination that an applicant has not successfully completed shall not exceed the following:

(a)	*Apprentice cosmetologist*	*$32.00;*
(b)	*Cosmetologist*	*$32.00;*
(c)	*Nail technician*	*$32.00;*
(d)	*Instructor of cosmetology*	*$50.00;*
(e)	*Cosmetologist out-of-state*	*$60.00; and*
(f)	*Instructor out-of-state*	*$100.00.*

(6) The fees for the restoration of an expired license where the period of expiration does not exceed five (5) years from date of expiration shall not exceed the following:

(a)	*Apprentice cosmetologist*	*$75.00;*
(b)	*Cosmetologist*	*$75.00;*
(c)	*Nail technician*	*$.75.00*
(d)	*Beauty salon*	*$75.00*
(e)	*Nail salon*	*$75.00*
(f)	*Cosmetology school*	*$750.00*
(g)	*Instructor*	*$100.00; and*
(h)	*Apprentice instructor*	*$75.00.*

(7) The following miscellaneous fees may be assess and shall not exceed the following:

(a)	*Guest artists*	*$50.00;*
(b)	*Inactive license for cosmetologist, nail technician, and cosmetology instructor*	*$20.00;*

(c)	*Certification fee*	*$20.00;*
(d)	*Duplicate license*	*$25.00;*
(e)	*Continuing education provider application*	*$300.00; and*
(g)	*Where a reciprocity application required by the board*	*$100.00.*".

Representative McKee moved that the House concur in Senate Floor Amendment No. 3 to **HB 441**. Agreed.

Representative McKee moved that **HB 441**, as amended by the Senate, be passed.

On the roll call the vote was: **Yeas 72, Nays 18**. (See March 29, 2004, roll call on **HB 441** - Appendix.)

HB 441, as amended by the Senate, was passed.

The Senate Committee Amendment No. 2 Title to **HB 441** is as follows:

HB 441, Amend title to read as follows: "AN ACT relating to licensed occupations.".

Representative McKee moved that the House concur in Senate Committee Amendment No. 2 Title to **HB 441**. Agreed.

Representative McKee moved that the vote by which **HB 441**, as amended by the Senate, was passed be reconsidered and said motion be placed on the table. Agreed.

SB 16, with House Floor Amendments attached thereto, taken from the Orders of the Day and ordered read at length for the third time. Representative Adkins moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Burch moved that **SB 16** be passed.

On the roll call the vote was: **Yeas 93, Nays 0**. (See March 29, 2004, roll call on **SB 16** - Appendix.)

SB 16 was passed and the title agreed to.

Representative Burch moved that the vote by which **SB 16** was passed be reconsidered and said motion be placed on the table. Agreed.

SJR 83, with House Floor Amendments attached thereto, taken from the Orders of the Day and ordered read at length for the third time. Representative Adkins moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Yonts moved that House Floor Amendment No. 1 to **SJR 83** be adopted.

Representative Yonts moved to suspend the rules to consider House Floor Amendment No. 1 to **SJR 83**.

Representative Hoover inquired whether House Floor Amendment No. 1 is germane.

The Speaker ruled that House Floor Amendment No. 1 to **SJR 83** is not germane.

Representative Ballard moved to suspend the rules to consider House Floor Amendment No. 4 to **SJR 83**. Agreed.

Representative Ballard moved the adoption of House Floor Amendment No. 4 to **SJR 83**. Agreed.

Representative Belcher moved to adopt **SJR 83**, as amended.

On the roll call the vote was: **Yeas 91, Nays 0**. (See March 29, 2004, roll call on **SJR 83** - Appendix.)

SJR 83, as amended, was adopted.

Representative Belcher moved the adoption of Senate Floor Amendment No. 2 Title to **SJR 83**. Agreed.

Representative Belcher moved that the vote by which **SJR 83**, as amended, was adopted be reconsidered and said motion be placed on the table. Agreed.

SB 189, with House Floor Amendments attached thereto, taken from the Orders of the Day and ordered read at length for the third time. Representative Adkins moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Burch moved that **SB 189** be passed.

On the roll call the vote was: **Yeas 87, Nays 0.** (See March 29, 2004, roll call on **SB 189** - Appendix.)

SB 189 was passed and the title agreed to.

Representative Burch moved that the vote by which **SB 189** was passed be reconsidered and said motion be placed on the table. Agreed.

Senate Message

Message received in regard to **SB 111**: The Senate has refused to concur in the House Committee Substitute and House Floor Amendment No. 4 and respectfully returns it with the request that this Honorable Body recede from the House Committee Substitute and the House Amendment.

Message received in regard to **HB 331**: The Senate has receded from the Senate Committee Substitute and Senate Amendments to **HB 331** and has passed the bill. (3:00 p.m.)

Representative Adkins moved to reconsider the vote by which **HJR 11** was adopted. Agreed.

Orders of the Day (Continued)

HJR 11, with Senate Committee Substitute attached thereto, taken from the Orders of the Day. Representative Adkins moved that it be placed upon its adoption for concurrence or non concurrence. Agreed.

The Senate Committee Substitute to **HJR 11** is as follows:

HJR 11, A JOINT RESOLUTION naming the "Sheriff Bobby Thomas Memorial Highway" in Hardin County.

We pause to honor and remember Robert E. "Bobby" Thomas. He has been taken from our presence but not from our hearts.

WHEREAS, Robert E. "Bobby" Thomas, a native of Hardin County and the son of Lawrence and Mary Agnes Thomas, slipped from these earthly bounds on January 30, 2001; and

WHEREAS, Bobby Thomas took an oath to protect, to defend, and to serve when he became a law enforcement officer, an oath that he took seriously and lived by until his untimely death; and

WHEREAS, Bobby Thomas served six years as a Deputy Sheriff before being appointed Sheriff of Hardin County in February 1994, the post to which he was also elected to serve for two additional terms; and

WHEREAS, a consummate professional, Bobby Thomas was the immediate past president of the Kentucky Sheriff's Association and was a member of the National Sheriff's Association; and

WHEREAS, in recognition of his dedicated service, Bobby Thomas had been the proud recipient of a prestigious award from the United States Marshal Service; and

WHEREAS, Sheriff Bobby Thomas was responsible for organizing the Hardin County Chapter of TRIAD, which was the first chapter organized in Kentucky and which is a cooperative effort between law enforcement agencies and senior citizens to keep seniors actively involved in their community and to reduce criminal victimization of older persons; and

WHEREAS, Bobby Thomas was an active member of the Hardin County community as a member of the St. John Catholic Church and the Hardin County Farm Bureau, as well as the Elizabethtown and Radcliff Chambers of Commerce; and

WHEREAS, Bobby Thomas was past president of the Cecilia Ruritan Club, past chairman of the Hardin County Extension Foundation, former chairman of the Hardin County Cooperative Extension District Board, and a member of the Kentucky Association of Counties; and

WHEREAS, Bobby Thomas was a farmer, devoted husband to his beloved wife Martha, loving father to sons Nicky, Larry, and Greg, and daughters Lisa, Tracie, and Pam, and doting grandfather to 13 grandchildren; and

WHEREAS, Bobby Thomas was a special human being whose selfless contributions to his immediate family, extended family, friends, colleagues, community, and state will continue to live, prosper, and grow for many generations to come;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. The General Assembly proclaims Robert E. "Bobby" Thomas to have been an outstanding citizen and exemplary representative of the Commonwealth.

Section 2. The Transportation Cabinet shall name Kentucky Route 1357 in Hardin County, also known as St. John's Road, from its junction with Kentucky Route 3005 to its junction with Kentucky Route 1375, the "Sheriff Bobby Thomas Memorial Highway."

Section 3. The Transportation Cabinet shall, within 30 days of the effective date of this Resolution, erect signs on the segment of Kentucky Route 1357 identified in Section 2 that read "Sheriff Bobby Thomas Memorial Highway."

Section 4. The Transportation Cabinet shall name the reconstructed segment of United States Route 460/Kentucky Route 80 in Pike County from the city of Pikeville to the Virginia State line the "Brandon Jacob Rowe and Gary Brent Coleman Memorial Highway." The cabinet shall, within 30 days of the effective date of this resolution, erect signs at each end of the route identified in this section, and at appropriate intervals in between, that read "Brandon Jacob Rowe and Gary Brent Coleman Memorial Highway."

Section 5. The Transportation Cabinet shall name Kentucky Route 54 from the intersection with Haynes Station Road in Daviess County (mile point 13.36) to the Ohio County line the "PFC David Paulie Nash Memorial Highway." The cabinet shall, within 30 days of the effective date of this resolution, erect signs at each end of the route identified in this section, and at appropriate intervals in between, that read "PFC David Paulie Nash Memorial Highway." The cabinet shall include on the signs described in this section an indication that PFC Nash was a recipient of the Medal of Honor.

Section 6. The Transportation Cabinet shall name United States Route 421 in Madison County from United States Route 25 to the Jackson County Line the "Battlefield Memorial Highway." The cabinet shall, within 30 days of the effective date of this resolution, erect signs at each end of the route identified in this section, and at appropriate intervals in between, that read "Battlefield Memorial Highway."

Section 7. The Transportation Cabinet shall name Kentucky Route 112 the "Dr. Loman C. Trover Highway" beginning at the intersection of Main Street and Railroad Street in Earlington, Kentucky, and continuing to the junction of Kentucky Route 112 and United States Route 62. The cabinet shall, within 30 days of the effective date of this Resolution, erect signs periodically along the route identified in this section that read "Dr. Loman C. Trover Highway."

Section 8. The Transportation Cabinet shall name Kentucky Route 70 from the intersection with Reservoir Street in Central City (Kentucky Route 277) to the Hopkins County line the "Tom Christerson Memorial Highway." The cabinet shall, within 30 days of the effective date of this Resolution, erect signs periodically along the route identified in this section that read "Tom Christerson Memorial Highway."

Representative J. Lee moved that the House concur in the Senate Committee Substitute to **HJR 11**. Agreed.

Representative J. Lee moved that **HJR 11**, by way of Senate Committee Substitute, as amended, be adopted.

On the roll call the vote was: **Yeas 92, Nays 0.** (See March 29, 2004, roll call on **HJR 11** - Appendix.)

HJR 11, by way of Senate Committee Substitute, as amended, was adopted and the title agreed to.

Representative J. Lee moved that the vote by which **HJR 11**, by way of Senate Committee Substitute, as amended, was adopted be reconsidered and said motion be placed on the table. Agreed.

SB 231 taken from the Orders of the Day and ordered read at length for the third time. Representative Adkins moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Siler moved that **SB 231** be passed.

On the roll call the vote was: **Yeas 93, Nays 0**. (See March 29, 2004, roll call on **SB 231** - Appendix.)

SB 231 was passed and the title agreed to.

Representative Siler moved that the vote by which **SB 231** was passed be reconsidered and said motion be placed on the table. Agreed.

The Speaker appointed the following members to a Conference Committee on **HB 97**:

Representatives Thomas, Wilkey, McKee, Nunn, and Siler.

Representative Adkins moved that the House recess until 6:00 p.m.

Recess

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Report On Enrolled Bills

HB 262 was delivered to the Senate and signed by the President. Delivered to the Governor on March 29, 2004 at 4:45 p.m.

A Conference Committee Report was filed on **HB 97**.

Report On Enrolled Bills

The Committee on Enrollment reported that **HB 82, 113, 152, 162, 178, 322, 331, 362, 434, 461, 510, 593, 595,** and **HJR 11** have been examined and found correctly enrolled. Said Bills and a Resolution were read at length, compared and signed in open session by the Speaker, and ordered delivered to the Senate. (Time -6:45 p.m.)

Representative Adkins moved that the rules be suspended to consider the Conference Committee Report on **HB 97**. Agreed.

Representative Adkins moved the adoption of the following Conference Committee Report on **HB 97**.

HB 97, The Conference Committee on **HB 97** has met as provided in the Rules of the House and Senate and hereby reports that they cannot agree.

Signed: March 29, 2004 - Representatives Thomas, McKee, Nunn, Siler, and Wilkey; Senators Sanders, Gutherie, and Boswell. The above-named members, in separate votes by house, all concur in the provisions of this report.

HB 97 Conference Committee Report was adopted by voice vote.

The Speaker announced the appointment of the previous appointed members of the Conference Committee to the Free Conference Committee on **HB 97**.

Representative Adkins moved that **HB 67** be taken from the Committee on Rules and placed in the Orders of the Day. Agreed.

Orders of the Day (Continued)

SJR 156, with House Committee Substitute attached thereto, taken from the Orders of the Day and ordered read at length for the third time. Representative Adkins moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Moberly to adopt the House Committee Substitute to **SJR 156**. Agreed.

Representative Moberly moved that **SJR 156,** by way of House Committee Substitute, be adopted.

On the roll call the vote was: **Yeas 91, Nays 0**. (See March 29, 2004, roll call on **SJR 156** - Appendix.)

SJR 156, by way of House Committee Substitute, was adopted.

Representative Moberly moved that the vote by which **SJR 156,** by way of House Committee Substitute, was adopted. by w be reconsidered and said motion be placed on the table. Agreed.

SB 86 taken from the Orders of the Day and ordered read at length for the third time. Representative Adkins moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Report On Enrolled Bills

The Committee on Enrollment reported that **SB 16, 96, 142, 189, 195, 209, 219, 231, 266,** and **SJR 3** have been examined and found correctly enrolled. Said Bills and Resolution were read at length, compared and signed in open session by the Speaker, and ordered delivered to the Senate. (Time -6:55 p.m.)

Orders of the Day (Continued)

Representative Wilkey moved that **SB 86** be passed.

On the roll call the vote was: **Yeas 93, Nays 0**. (See March 29, 2004, roll call on **SB 86** - Appendix.)

SB 86 was passed and the title agreed to.

Representative Wilkey moved that the vote by which **SB 86** was passed be reconsidered and said motion be placed on the table. Agreed.

SJR 148, with House Floor Amendment attached thereto, taken from the Orders of the Day and ordered read at length for the third time. Representative Adkins moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Burch moved that **SJR 148** be adopted.

Representative Marzian moved the adoption of House Floor Amendment No. 1 to **SJR 148**.

Representative Ford inquired whether House Floor Amendment No. 1 is germane.

The Speaker ruled that House Floor Amendment No. 1 is germane.

House Floor Amendment No. 1 to **SJR 148** was adopted.

Representative Burch moved that **SJR 148**, as amended, be adopted.

On the roll call the vote was: **Yeas 91, Nays 0**. (See March 29, 2004, roll call on **SJR 148** - Appendix.)

SJR 148, as amended, was adopted.

Representative Marzian moved that the vote by which **SJR 148**, as amended, was adopted be reconsidered and said motion be placed on the table. Agreed.

HB 67, with Senate Floor Amendment attached thereto, taken from the Orders of the Day. Representative Adkins moved that it be placed upon its passage for concurrence or non concurrence. Agreed.

The Senate Floor Amendment No. 1 to **HB 67** is as follows:

HB 67, On page 1, between the enacting clause and line 1, by inserting the following:

"Section 1. KRS 222.430 is amended to read as follows:

(1) Involuntary *treatment ordered for a*[~~hospitalization of the~~] person *suffering from*[~~with both~~] alcohol and other drug abuse[~~ disorders as defined in KRS 222.005 and mental health disturbances~~] shall *follow the procedures set forth in Sections 1 to 8 of this Act*[~~take place by the same procedures as hospitalization of the mentally ill as provided in KRS Chapters 202A and 210~~].

(2) *Except as otherwise provided for in Sections 1 to 8 of this Act,* all rights guaranteed by KRS Chapters 202A[~~, 202B,~~] and 210 to *involuntarily hospitalized* mentally ill persons shall be guaranteed to *a*[~~the~~] person *ordered to undergo treatment for*[~~with~~] alcohol and other drug abuse[~~ disorder~~].

SECTION 2. A NEW SECTION OF KRS CHAPTER 222 IS CREATED TO READ AS FOLLOWS:

No person suffering from alcohol and other drug abuse shall be ordered to undergo treatment unless that person:

(1) Suffers from alcohol and other drug abuse;

(2) Presents an imminent threat of danger to self, family, or others as a result of alcohol and other drug abuse, or there exists a substantial likelihood of such a threat in the near future; and

(3) Can reasonably benefit from treatment.

SECTION 3. A NEW SECTION OF KRS CHAPTER 222 IS CREATED TO READ AS FOLLOWS:

(1) Proceedings for sixty (60) days or three hundred sixty (360) days of treatment for an individual suffering from alcohol and other drug abuse shall be initiated by the filing of a verified petition in District Court.

(2) The petition and all subsequent court documents shall be entitled: "In the interest of (name of respondent)."

(3) The petition shall be filed by a spouse, relative, friend, or guardian of the individual concerning whom the petition is filed.

(4) The petition shall set forth:

(a) Petitioner's relationship to the respondent;

(b) Respondent's name, residence, and current location, if known;

(c) The name and residence of respondent's parents, if living and if known, or respondent's legal guardian, if any and if known;

(d) The name and residence of respondent's husband or wife, if any and if known;

(e) The name and residence of the person having custody of the respondent, if any, or if no such person is known, the name and residence of a near relative or that the person is unknown; and

(f) Petitioner's belief, including the factual basis therefor, that the respondent is suffering from an alcohol and other drug abuse disorder and presents a danger or threat of danger to self, family, or others if not treated for alcohol or other drug abuse.

Any petition filed pursuant to this subsection shall be accompanied by a guarantee, signed by the petitioner or other person authorized under subsection (3) of this section, obligating that person to pay all costs for treatment of the respondent for alcohol and other drug abuse that is ordered by the court.

SECTION 4. A NEW SECTION OF KRS CHAPTER 222 IS CREATED TO READ AS FOLLOWS:

(1) Upon receipt of the petition, the court shall examine the petitioner under oath as to the contents of the petition.

(2) If, after reviewing the allegations contained in the petition and examining the petitioner under oath, it appears to the court that there is probable cause to believe the respondent should be ordered to undergo treatment, then the court shall:

(a) Set a date for a hearing within fourteen (14) days to determine if there is probable cause to believe the respondent should be ordered to undergo treatment for alcohol and other drug abuse;

(b) Notify the respondent, the legal guardian, if any and if known, and the spouse, parents, or nearest relative or friend of the respondent concerning the allegations and contents of the petition and the date and purpose of the hearing; and the name, address, and telephone number of the attorney appointed to represent the respondent; and

(c) Cause the respondent to be examined no later than twenty-four (24) hours before the hearing date by two (2) qualified health professionals, at least one (1) of whom is a physician. The qualified health professionals shall certify their findings to the court within twenty-four (24) hours of the examinations.

(3) If, upon completion of the hearing, the court finds the respondent should be ordered to undergo treatment, then the court shall order such treatment for a period not to exceed sixty (60) consecutive days from the date of the court order or a period not to exceed three hundred sixty (360) consecutive days from the date of the court order, whatever was the period of time that was requested in the petition or otherwise agreed to at the hearing. Failure of a respondent to undergo treatment ordered pursuant to this subsection may place the respondent in contempt of court.

(4) If, at any time after the petition is filed, the court finds that there is no probable cause to continue treatment or if the petitioner withdraws the petition, then the proceedings against the respondent shall be dismissed.

SECTION 5. A NEW SECTION OF KRS CHAPTER 222 IS CREATED TO READ AS FOLLOWS:

(1) Following an examination by a qualified health professional and a certification by that professional that the person meets the criteria specified in Section 2 of this Act, the court may order the person hospitalized for a period not to exceed seventy-two (72) hours if the court finds, by clear and convincing evidence, that the respondent presents an imminent threat of danger to self, family, or others as a result of alcohol and other drug abuse.

(2) Any person who has been admitted to a hospital under subsection (1) of this section shall be released from the hospital within seventy-two (72) hours of admittance.

(3) No respondent ordered hospitalized under this section shall be held in jail pending transportation to the hospital or evaluation unless the court has previously found the respondent to be in contempt of court for either failure to undergo treatment or failure to appear at the evaluation ordered pursuant to Section 4 of this Act.

SECTION 6. A NEW SECTION OF KRS CHAPTER 222 IS CREATED TO READ AS FOLLOWS:

When the court is authorized to issue an order that the respondent be transported to a hospital the court may, or if the respondent fails to attend an examination scheduled before the hearing provided for in Section 4 of this Act then the court shall, issue a summons. A summons so issued shall be directed to the respondent and shall command the respondent to appear at a time and place therein specified. If a respondent who has been summoned fails to appear at the hospital or the examination, then the court may order the sheriff or other peace officer to transport the respondent to a hospital or psychiatric facility designated by the cabinet for treatment under Section 9 of this Act. The sheriff or other peace officer may, upon agreement of a person authorized by the peace officer, authorize the cabinet, a private agency on contract with the cabinet, or an ambulance service designated by the cabinet to transport the respondent to the hospital. The transportation costs of the sheriff, other peace officer, ambulance service, or other private agency on contract with the cabinet shall be included in the costs of treatment for alcohol and other drug abuse to be paid by the petitioner.

SECTION 7. A NEW SECTION OF KRS CHAPTER 222 IS CREATED TO READ AS FOLLOWS:

The definitions in KRS 202A.011 and the procedures in KRS Chapter 202A apply to Sections 1 to 8 of this Act except where terms or procedures used therein are defined in Section 11 of this Act or are otherwise provided for in Sections 1 to 8 of this Act, respectively.

SECTION 8. A NEW SECTION OF KRS CHAPTER 222 IS CREATED TO READ AS FOLLOWS:

Sections 1 to 8 of this Act may be cited as the Matthew Casey Wethington Act for Substance Abuse Intervention.

SECTION 9. A NEW SECTION OF KRS CHAPTER 210 IS CREATED TO READ AS FOLLOWS:

Regional community mental health-mental retardation boards shall, on at least an annual basis, submit the following lists to the circuit clerks in each board's region:

(1) A list of hospitals and psychiatric facilities in the judicial districts within the board's region which are able and willing to take respondents ordered to undergo seventy-two (72) hours of treatment and observation pursuant to Section 5 of this Act; and

(2) A list of hospitals and treatment providers in the judicial districts within the board's region who are able and willing to provide treatment for alcohol and other drug abuse ordered pursuant to Section 4 of this Act.

Section 10. KRS 222.475 is amended to read as follows:

The cabinet[~~ for Health Services~~] shall annually submit to the Governor *and the General Assembly* a treatment-center evaluation report. The report shall include, but not be limited to, the following information:

(1) An inventory of all licensed chemical dependency treatment services in Kentucky;

(2) The information submitted by each treatment center or program pursuant to KRS 222.460 and 222.465; and

(3) The employment, educational, and criminal history of clients in each program that received state or federal funds.

Section 11. KRS 222.005 is amended to read as follows:

As used in this chapter, unless the context otherwise requires:

(1) "Administrator" means the person or the designee of the person, in charge of the operation of an alcohol and other drug abuse prevention, intervention, or treatment program;

(2) "Agency" means a legal entity operating hospital-based or nonhospital-based alcohol and other drug abuse prevention, intervention, or treatment programs;

(3) *"Alcohol and other drug abuse" means a dysfunctional use of alcohol or other drugs or both, characterized by one (1) or more of the following patterns of use:*

(a) The continued use despite knowledge of having a persistent or recurrent social, legal, occupational, psychological, or physical problem that is caused or exacerbated by use of alcohol or other drugs or both;

(b) Use in situations which are potentially physically hazardous;

(c) Loss of control over the use of alcohol or other drugs or both; and

(d) Use of alcohol or other drugs or both is accompanied by symptoms of physiological dependence, including pronounced withdrawal syndrome and tolerance of body tissues to alcohol or other drugs or both;

(4) "Cabinet" means the Cabinet for Health Services;

(5)[~~(4)~~] "Director" means the director of the Division of Substance Abuse of the Department for Mental Health and Mental Retardation Services;

(6)[~~(5)~~] "Hospital" means an establishment with organized medical staff and permanent facilities with inpatient beds which provide medical services, including physician services and continuous nursing services for the diagnosis and treatment of patients who have a variety of medical conditions, both surgical and nonsurgical;

(7)[~~(6)~~] "Intoxication" means being under the influence of alcohol or other drugs, or both, which significantly impairs a person's ability to function;

(8)[~~(7)~~] "Juvenile" means any person who is under the age of eighteen (18);

(9)[~~(8)~~] *"Narcotic treatment program" means a substance abuse program using approved controlled substances and offering a range of treatment procedures and services for the rehabilitation of persons dependent on opium, morphine, heroin, or any derivative or synthetic drug of that group;*

(10) "Other drugs" means controlled substances as defined in KRS Chapter 218A and volatile substances as defined in KRS 217.900;

(11)[~~(9)~~] "Patient" means any person admitted to a hospital or a licensed alcohol and other drug abuse treatment program;

(12)[~~(10)~~] "Program" means a set of services rendered directly to the public that is organized around a common goal of either preventing, intervening, or treating alcohol and other drug abuse problems;

(13)[~~(11)~~] "Secretary" means the secretary of the Cabinet for Health Services;

[~~(12) "Alcohol and other drug abuse" means a dysfunctional use of alcohol or other drugs or both, characterized by one (1) or more of the following patterns of use:~~

~~(a) The continued use despite knowledge of having a persistent or recurrent social, legal, occupational, psychological, or physical problem that is caused or exacerbated by use of alcohol or other drugs or both;~~

~~(b) Use in situations which are potentially physically hazardous;~~

~~(c) Loss of control over the use of alcohol or other drugs or both; and~~

~~(d) Use of alcohol or other drugs or both is accompanied by symptoms of physiological dependence, including pronounced withdrawal syndrome and tolerance of body tissues to alcohol or other drugs or both;~~]

(14)[~~(13)~~] "Treatment" means services and programs for the care and rehabilitation of intoxicated persons and *persons suffering from* alcohol and other drug *abuse. "Treatment" includes those services provided by the cabinet in KRS*

222.211 and, in Sections 1 to 8 of this Act, it specifically includes the services described in KRS 222.211(1)(c) and (d)~~[abusers]~~; and

(15) "Qualified health professional" has the same meaning as qualified mental health professional in KRS 202A.011, except that it also includes an alcohol and drug counselor certified under KRS Chapter 309~~[(14) "Narcotic treatment program" means a substance abuse program using approved controlled substances and offering a range of treatment procedures and services for the rehabilitation of persons dependent on opium, morphine, heroin, or any derivative or synthetic drug of that group]~~.

Section 12. KRS 222.231 is amended to read as follows:

(1) The cabinet shall issue for a term of one (1) year, and may renew for like terms, a license, subject to revocation by it for cause, to any persons, other than an alcohol and other drug abuse program that has been issued a license by the cabinet entitled "Chemical Dependency Treatment Services" pursuant to KRS 216B.105 or a department, agency, or institution of the federal government, deemed by it to be responsible and suitable to establish and maintain a program and to meet applicable licensure standards and requirements.

(2) The cabinet shall promulgate administrative regulations pursuant to KRS Chapter 13A establishing requirements and standards for licensing agencies and approving programs. The requirements and standards shall include~~[, but be limited to]~~:

(a) The health and safety standards to be met by a facility housing a program;

(b) Patient care standards and minimum operating, training, and maintenance of patient records standards;

(c) Licensing fees, application, renewal and revocation procedures, and the procedures for evaluation of the alcohol and other drug abuse programs; and

(d) Classification of alcohol and other drug abuse programs according to type, range of services, and level of care provided.

(3) The cabinet may establish different requirements and standards for different kinds of programs, and may impose stricter requirements and standards in contracts with agencies made pursuant to KRS 222.221.

(4) Each agency shall be individually licensed or approved.

(5) Each agency shall file with the cabinet from time to time, the data, statistics, schedules, or information the cabinet may reasonably require for the purposes of this section.

(6) The cabinet shall have authority to deny, revoke, modify, or suspend a license in any case in which it finds that there has been a substantial failure to comply with the provisions of this chapter or the administrative regulations promulgated thereunder. The denial, revocation, modification, or suspension shall be effected by mailing to the applicant or licensee, by certified mail, a notice setting forth the particular reasons for the action. The denial, revocation, modification, or suspension shall become final and conclusive thirty (30) days after notice is given, unless the applicant or licensee, within this thirty (30) day period, shall file a request in writing for a hearing before the cabinet.

(7) The cabinet, after holding a hearing conducted by a hearing officer appointed by the secretary and conducted in accordance with KRS Chapter 13B, may refuse to grant, suspend, revoke, limit, or restrict the applicability of or refuse to renew any agency license or approval of programs for any failure to meet the requirements of its administrative regulations or standards concerning a licensed agency and its program. A petition for judicial review shall be made to the Franklin Circuit Court in accordance with KRS Chapter 13B.

(8) No person, excepting an alcohol and other drug abuse program that has been issued a license by the cabinet entitled "Chemical Dependency Treatment Services" pursuant to KRS 216B.105 or a department, agency, or institution of the federal government, shall operate a program without a license pursuant to this section.

(9) Each program operated by a licensed agency shall be subject to visitation and inspection by the cabinet and the cabinet shall inspect each agency prior to granting or renewing a license. The cabinet may examine the books and accounts of any program if it deems the examination necessary for the purposes of this section.

(10) The director may require agencies which contract with the Commonwealth pursuant to KRS 222.221 to admit as an inpatient or outpatient any person to be afforded treatment pursuant to this chapter, subject to service and bed availability and medical necessity.

(11) The cabinet shall promulgate administrative regulations pursuant to KRS Chapter 13A governing the extent to which programs may be required to treat any person on an inpatient or outpatient basis pursuant to this chapter, except that no licensed hospital with an emergency service shall refuse any person suffering from acute alcohol or other drug intoxication or severe withdrawal syndrome from emergency medical care.

(12) All narcotic treatment programs shall be licensed under this section prior to operation. The cabinet shall promulgate administrative regulations pursuant to KRS Chapter 13A to establish additional standards of operation for narcotic treatment programs. The administrative regulations shall include minimum requirements in the following areas:

(a) Compliance with relevant local ordinances and zoning requirements;

(b) Submission of a plan of operation, including memoranda of agreement which reflect supportive services from local hospitals, law enforcement agencies, correctional facilities, community mental health and mental retardation agencies, and other alcohol and drug abuse services in the community;

(c) Criminal records checks for employees of the narcotic treatment program. Narcotic treatment programs shall not employ any person convicted of a crime involving a controlled substance as defined in KRS Chapter 218A;

(d) Conditions under which clients are permitted to take home doses of medications;

(e) Urine screening requirements;

(f) Quality assurance procedures;

(g) Program sponsor requirements;

(h) Qualifications for the medical director for a narcotic treatment program, who at a minimum shall:

1. Be a licensed physician pursuant to KRS Chapter 311 and function autonomously within the narcotic treatment program; and

2. Be a board eligible psychiatrist licensed to practice in Kentucky and have three (3) years' documented experience in the provision of services to persons who are addicted to alcohol or other drugs; or

3. Be a physician licensed pursuant to KRS Chapter 311 and certified as an addictionologist by the American Society of Addiction Medicine.

(i) Security and control of narcotics and medications;

(j) Program admissions standards;

(k) Treatment protocols;

(l) Treatment compliance requirements for program clients;

(m) Rights of clients; and

(n) Monitoring of narcotic treatment programs by the cabinet.

Section 13. KRS 222.311 is amended to read as follows:

(1) No hospital shall deny treatment to a person solely because of his alcohol ***and***[~~or~~] other drug abuse.

(2) Any intoxicated person admitted to a licensed alcohol ***and***[~~or~~] other drug abuse program or a hospital licensed to provide chemical dependency treatment or detoxification services, shall receive treatment at the program or hospital for as long as the person wishes to remain, or until benefits expire, or the administrator determines that treatment will no longer benefit the person.

Section 14. KRS 222.421 is amended to read as follows:

(1) Any person may request treatment from a physician or alcohol and other drug abuse program licensed or approved by the cabinet[~~ for Health Services~~] to provide alcohol and other drug abuse treatment services. Persons infected with HIV, hepatitis B, or hepatitis C shall have priority access to any licensed treatment services.

(2) Every alcohol and other drug abuse program that provides intervention or treatment services to a person with an alcohol and other drug abuse problem or prevention programming to any persons in the community shall, upon request of the cabinet[~~ for Health Services~~], make a statistical report to the secretary, in a form and manner the secretary shall prescribe, of persons provided prevention, intervention, and treatment services during a specified period of time. The name or address of any person to whom prevention, intervention, or treatment services were provided shall not be reported. The secretary[~~ of the Cabinet for Health Services~~] shall provide compilations of the statistical information to other appropriate agencies upon request.

Section 15. KRS 222.460 is amended to read as follows:

(1) As a requirement to receive state or federal funds, including Medicaid, a treatment center or program licensed as a chemical dependency treatment service pursuant to KRS 216B.105 or this chapter shall participate in an evaluation or client-outcome effectiveness study conducted by the cabinet[~~ for Health Services~~].

(2) Information for the evaluation shall include, but is not limited to, the following:

(a) The total number of alcohol and drug abuse clients admitted to treatment;

(b) The total number of referrals from the District and Circuit Courts and the Department of Corrections;

(c) The client's change in alcohol and other drug use patterns from admission to discharge from treatment;

(d) The client's change in employment status from admission to discharge from treatment; and

(e) The client's change in involvement with the criminal justice system from admission to discharge from treatment.

(3) All information collected pursuant to this chapter shall be held confidential with respect to the identity of individual clients. Access to information that identifies individual clients may be provided to qualified persons or organizations with a valid scientific interest, as determined by the secretary[~~ of health services~~], who are engaged in research related to patterns of drug and alcohol use, the effectiveness of treatment, or similar studies and who agree in writing to maintain confidentiality.

Section 16. KRS 600.020 is amended to read as follows:

As used in KRS Chapters 600 to 645, unless the context otherwise requires:

(1) "Abused or neglected child" means a child whose health or welfare is harmed or threatened with harm when his parent, guardian, or other person exercising custodial control or supervision of the child:

- (a) Inflicts or allows to be inflicted upon the child physical or emotional injury as defined in this section by other than accidental means;
- (b) Creates or allows to be created a risk of physical or emotional injury as defined in this section to the child by other than accidental means;
- (c) Engages in a pattern of conduct that renders the parent incapable of caring for the immediate and ongoing needs of the child including, but not limited to, parental incapacity due to alcohol and other drug abuse as defined in KRS 222.005[~~(12)~~];
- (d) Continuously or repeatedly fails or refuses to provide essential parental care and protection for the child, considering the age of the child;
- (e) Commits or allows to be committed an act of sexual abuse, sexual exploitation, or prostitution upon the child;
- (f) Creates or allows to be created a risk that an act of sexual abuse, sexual exploitation, or prostitution will be committed upon the child;
- (g) Abandons or exploits the child; or
- (h) Does not provide the child with adequate care, supervision, food, clothing, shelter, and education or medical care necessary for the child's well-being. A parent or other person exercising custodial control or supervision of the child legitimately practicing the person's religious beliefs shall not be considered a negligent parent solely because of failure to provide specified medical treatment for a child for that reason alone. This exception shall not preclude a court from ordering necessary medical services for a child; or
- (i) Fails to make sufficient progress toward identified goals as set forth in the court-approved case plan to allow for the safe return of the child to the parent that results in the child remaining committed to the cabinet and remaining in foster care for fifteen (15) of the most recent twenty-two (22) months;

(2) "Aggravated circumstances" means the existence of one (1) or more of the following conditions:

- (a) The parent has not attempted or has not had contact with the child for a period of not less than ninety (90) days;
- (b) The parent is incarcerated and will be unavailable to care for the child for a period of at least one (1) year from the date of the child's entry into foster care and there is no appropriate relative placement available during this period of time;
- (c) The parent has sexually abused the child and has refused available treatment;
- (d) The parent has been found by the cabinet to have engaged in abuse of the child that required removal from the parent's home two (2) or more times in the past two (2) years; or
- (e) The parent has caused the child serious physical injury;

(3) "Beyond the control of ***parents" means a child who has repeatedly failed to follow the reasonable directives of his or her parents, legal guardian, or person exercising custodial control or supervision other than a state agency, which behavior results in danger to the child or others, and which behavior does not constitute behavior that would warrant the filing of a petition under KRS Chapter 645***[~~school" means any child who has been found by the court to have repeatedly violated the lawful regulations for the government of the school as provided in KRS 158.150, and as documented in writing by the school as a part of the school's petition or as an attachment to the school's petition. The petition or attachment shall describe the student's behavior and all intervention strategies attempted by the school~~];

(4) "Beyond the control of ***school" means any child who has been found by the court to have repeatedly violated the lawful regulations for the government of the school as provided in KRS 158.150, and as documented in writing by the school as a part of the school's petition or as an attachment to the school's petition. The petition or attachment shall describe the student's behavior and all intervention strategies attempted by the school***[~~parents" means a child who has repeatedly failed to follow the reasonable directives of his or her parents, legal guardian, or person exercising custodial control or supervision other than a state agency, which behavior results in danger to the child or others, and which behavior does not constitute behavior that would warrant the filing of a petition under KRS Chapter 645~~];

(5) "Boarding home" means a privately owned and operated home for the boarding and lodging of individuals which is approved by the Department of Juvenile Justice or the cabinet for the placement of children committed to the department or the cabinet;

(6) "Cabinet" means the Cabinet for Families and Children;

(7) "Certified juvenile facility staff" means individuals who meet the qualifications of, and who have completed a course of education and training in juvenile detention developed and approved by, the Department of Juvenile Justice after consultation with other appropriate state agencies;

(8) "Child" means any person who has not reached his eighteenth birthday, unless otherwise provided;

(9) "Child-caring facility" means any facility or group home other than a state facility, Department of Juvenile Justice contract facility or group home, or one certified by an appropriate agency as operated primarily for educational or medical purposes, providing residential care on a twenty-four (24) hour basis to children not related by blood, adoption, or marriage to the person maintaining the facility;

(10) "Child-placing agency" means any agency, other than a state agency, which supervises the placement of children in foster family homes or child-caring facilities or which places children for adoption;

(11) "Clinical treatment facility" means a facility with more than eight (8) beds designated by the Department of Juvenile Justice or the cabinet for the treatment of mentally ill children. The treatment program of such facilities shall be supervised by a qualified mental health professional;

(12) "Commitment" means an order of the court which places a child under the custodial control or supervision of the Cabinet for Families and Children, Department of Juvenile Justice, or another facility or agency until the child attains the age of eighteen (18) unless the commitment is discharged under KRS Chapter 605 or the committing court terminates or extends the order;

(13) "Community-based facility" means any nonsecure, homelike facility licensed, operated, or permitted to operate by the Department of Juvenile Justice or the cabinet, which is located within a reasonable proximity of the child's family and home community, which affords the child the opportunity, if a Kentucky resident, to continue family and community contact;

(14) "Complaint" means a verified statement setting forth allegations in regard to the child which contain sufficient facts for the formulation of a subsequent petition;

(15) "Court" means the juvenile session of District Court unless a statute specifies the adult session of District Court or the Circuit Court;

(16) "Court-designated worker" means that organization or individual delegated by the Administrative Office of the Courts for the purposes of placing children in alternative placements prior to arraignment, conducting preliminary investigations, and formulating, entering into, and supervising diversion agreements and performing such other functions as authorized by law or court order;

(17) "Deadly weapon" has the same meaning as it does in KRS 500.080;

(18) "Department" means the Department for Community Based Services;

(19) "Dependent child" means any child, other than an abused or neglected child, who is under improper care, custody, control, or guardianship that is not due to an intentional act of the parent, guardian, or person exercising custodial control or supervision of the child;

(20) "Detention" means the safe and temporary custody of a juvenile who is accused of conduct subject to the jurisdiction of the court who requires a restricted environment for his or her own or the community's protection;

(21) "Detention hearing" means a hearing held by a judge or trial commissioner within twenty-four (24) hours, exclusive of weekends and holidays, of the start of any period of detention prior to adjudication;

(22) "Diversion agreement" means an agreement entered into between a court-designated worker and a child charged with the commission of offenses set forth in KRS Chapters 630 and 635, the purpose of which is to serve the best interest of the child and to provide redress for those offenses without court action and without the creation of a formal court record;

(23) "Emergency shelter" is a group home, private residence, foster home, or similar homelike facility which provides temporary or emergency care of children and adequate staff and services consistent with the needs of each child;

(24) "Emotional injury" means an injury to the mental or psychological capacity or emotional stability of a child as evidenced by a substantial and observable impairment in the child's ability to function within a normal range of performance and behavior with due regard to his age, development, culture, and environment as testified to by a qualified mental health professional;

(25) "Firearm" shall have the same meaning as in KRS 237.060 and 527.010;

(26) "Foster family home" means a private home in which children are placed for foster family care under supervision of the cabinet or a licensed child-placing agency;

(27) "Habitual runaway" means any child who has been found by the court to have been absent from his place of lawful residence without the permission of his custodian for at least three (3) days during a one (1) year period;

(28) "Habitual truant" means any child who has been found by the court to have been reported as a truant as defined in KRS 159.150 three (3) or more times during a one (1) year period;

(29) "Hospital" means, except for purposes of KRS Chapter 645, a licensed private or public facility, health care facility, or part thereof, which is approved by the cabinet to treat children;

(30) "Independent living" means those activities necessary to assist a committed child to establish independent living arrangements;

(31) "Informal adjustment" means an agreement reached among the parties, with consultation, but not the consent, of the victim of the crime or other persons specified in KRS 610.070 if the victim chooses not to or is unable to participate, after a

petition has been filed, which is approved by the court, that the best interest of the child would be served without formal adjudication and disposition;

(32) "Intentionally" means, with respect to a result or to conduct described by a statute which defines an offense, that the actor's conscious objective is to cause that result or to engage in that conduct;

(33) "Intermittent holding facility" means a physically secure setting, which is entirely separated from sight and sound from all other portions of a jail containing adult prisoners, in which a child accused of a public offense may be detained for a period not to exceed twenty-four (24) hours, exclusive of weekends and holidays prior to a detention hearing as provided for in KRS 610.265, and in which children are supervised and observed on a regular basis by certified juvenile facility staff;

(34) "Juvenile holding facility" means a physically secure facility, approved by the Department of Juvenile Justice, which is an entirely separate portion or wing of a building containing an adult jail, which provides total sight and sound separation between juvenile and adult facility spatial areas and which is staffed by sufficient certified juvenile facility staff to provide twenty-four (24) hours per day supervision;

(35) "Least restrictive alternative" means, except for purposes of KRS Chapter 645, that the program developed on the child's behalf is no more harsh, hazardous, or intrusive than necessary; or involves no restrictions on physical movements nor requirements for residential care except as reasonably necessary for the protection of the child from physical injury; or protection of the community, and is conducted at the suitable available facility closest to the child's place of residence;

(36) "Motor vehicle offense" means any violation of the nonfelony provisions of KRS Chapters 186, 189, or 189A, KRS 177.300, 304.39-110, or 304.39-117;

(37) "Near fatality" means an injury that, as certified by a physician, places a child in serious or critical condition;

(38) "Needs of the child" means necessary food, clothing, health, shelter, and education;

(39) "Nonsecure facility" means a facility which provides its residents access to the surrounding community and which does not rely primarily on the use of physically restricting construction and hardware to restrict freedom;

(40) "Nonsecure setting" means a nonsecure facility or a residential home, including a child's own home, where a child may be temporarily placed pending further court action. Children before the court in a county that is served by a state operated secure detention facility, who are in the detention custody of the Department of Juvenile Justice, and who are placed in a nonsecure alternative by the Department of Juvenile Justice, shall be supervised by the Department of Juvenile Justice;

(41) "Parent" means the biological or adoptive mother or father of a child;

(42) "Person exercising custodial control or supervision" means a person or agency that has assumed the role and responsibility of a parent or guardian for the child, but that does not necessarily have legal custody of the child;

(43) "Petition" means a verified statement, setting forth allegations in regard to the child, which initiates formal court involvement in the child's case;

(44) "Physical injury" means substantial physical pain or any impairment of physical condition;

(45) "Physically secure facility" means a facility that relies primarily on the use of construction and hardware such as locks, bars, and fences to restrict freedom;

(46) "Public offense action" means an action, excluding contempt, brought in the interest of a child who is accused of committing an offense under KRS Chapter 527 or a public offense which, if committed by an adult, would be a crime, whether the same is a felony, misdemeanor, or violation, other than an action alleging that a child sixteen (16) years of age or older has committed a motor vehicle offense;

(47) "Qualified mental health professional" means:

(a) A physician licensed under the laws of Kentucky to practice medicine or osteopathy, or a medical officer of the government of the United States while engaged in the performance of official duties;

(b) A psychiatrist licensed under the laws of Kentucky to practice medicine or osteopathy, or a medical officer of the government of the United States while engaged in the practice of official duties, and who is certified or eligible to apply for certification by the American Board of Psychiatry and Neurology, Inc.;

(c) A psychologist with the health service provider designation, a psychological practitioner, a certified psychologist, or a psychological associate licensed under the provisions of KRS Chapter 319;

(d) A licensed registered nurse with a master's degree in psychiatric nursing from an accredited institution and two (2) years of clinical experience with mentally ill persons, or a licensed registered nurse with a bachelor's degree in nursing from an accredited institution who is certified as a psychiatric and mental health nurse by the American Nurses Association and who has three (3) years of inpatient or outpatient clinical experience in psychiatric nursing and who is currently employed by a hospital or forensic psychiatric facility licensed by the Commonwealth or a psychiatric unit of a general hospital or a regional comprehensive care center;

(e) A licensed clinical social worker licensed under the provisions of KRS 335.100, or a certified social worker licensed under the provisions of KRS 335.080 with three (3) years of inpatient or outpatient clinical experience in psychiatric social work and currently employed by a hospital or forensic psychiatric facility licensed by the Commonwealth or a psychiatric unit of a general hospital or a regional comprehensive care center;

(f) A marriage and family therapist licensed under the provisions of KRS 335.300 to 335.399 with three (3) years of inpatient or outpatient clinical experience in psychiatric mental health practice and currently employed by a hospital or forensic psychiatric facility licensed by the Commonwealth, a psychiatric unit of a general hospital, or a regional comprehensive care center; or

(g) A professional counselor credentialed under the provisions of KRS 335.500 to 335.599 with three (3) years of inpatient or outpatient clinical experience in psychiatric mental health practice and currently employed by a hospital or forensic facility licensed by the Commonwealth, a psychiatric unit of a general hospital, or a regional comprehensive care center;

(48) "Residential treatment facility" means a facility or group home with more than eight (8) beds designated by the Department of Juvenile Justice or the cabinet for the treatment of children;

(49) "Retain in custody" means, after a child has been taken into custody, the continued holding of the child by a peace officer for a period of time not to exceed twelve (12) hours when authorized by the court or the court-designated worker for the purpose of making preliminary inquiries;

(50) "School personnel" means those certified persons under the supervision of the local public or private education agency;

(51) "Secretary" means the secretary of the Cabinet for Families and Children;

(52) "Secure juvenile detention facility" means any physically secure facility used for the secure detention of children other than any facility in which adult prisoners are confined;

(53) [~~"Staff secure facility for residential treatment" means any setting which assures that all entrances and exits are under the exclusive control of the facility staff, and in which a child may reside for the purpose of receiving treatment;~~

~~(54)~~]"Serious physical injury" means physical injury which creates a substantial risk of death or which causes serious and prolonged disfigurement, prolonged impairment of health, or prolonged loss or impairment of the function of any bodily member or organ;

(54)[~~(55)~~] "Sexual abuse" includes, but is not necessarily limited to, any contacts or interactions in which the parent, guardian, or other person having custodial control or supervision of the child or responsibility for his welfare, uses or allows, permits, or encourages the use of the child for the purposes of the sexual stimulation of the perpetrator or another person;

(55)[~~(56)~~] "Sexual exploitation" includes, but is not limited to, a situation in which a parent, guardian, or other person having custodial control or supervision of a child or responsible for his welfare, allows, permits, or encourages the child to engage in an act which constitutes prostitution under Kentucky law; or a parent, guardian, or other person having custodial control or supervision of a child or responsible for his welfare, allows, permits, or encourages the child to engage in an act of obscene or pornographic photographing, filming, or depicting of a child as provided for under Kentucky law;

(56)[~~(57)~~] "Social service worker" means any employee of the cabinet or any private agency designated as such by the secretary of the cabinet or a social worker employed by a county or city who has been approved by the cabinet to provide, under its supervision, services to families and children;

(57) "Staff secure facility for residential treatment" means any setting which assures that all entrances and exits are under the exclusive control of the facility staff, and in which a child may reside for the purpose of receiving treatment;

(58) "Status offense action" is any action brought in the interest of a child who is accused of committing acts, which if committed by an adult, would not be a crime. Such behavior shall not be considered criminal or delinquent and such children shall be termed status offenders. Status offenses shall not include violations of state or local ordinances which may apply to children such as a violation of curfew or possession of alcoholic beverages;

(59) "Take into custody" means the procedure by which a peace officer or other authorized person initially assumes custody of a child. A child may be taken into custody for a period of time not to exceed two (2) hours;

(60) "Valid court order" means a court order issued by a judge to a child alleged or found to be a status offender:

(a) Who was brought before the court and made subject to the order;

(b) Whose future conduct was regulated by the order;

(c) Who was given written and verbal warning of the consequences of the violation of the order at the time the order was issued and whose attorney or parent or legal guardian was also provided with a written notice of the consequences of violation of the order, which notification is reflected in the record of the court proceedings; and

(d) Who received, before the issuance of the order, the full due process rights guaranteed by the Constitution of the United States.

(61) "Violation" means any offense, other than a traffic infraction, for which a sentence of a fine only can be imposed;

(62) "Youth alternative center" means a nonsecure facility, approved by the Department of Juvenile Justice, for the detention of juveniles, both prior to adjudication and after adjudication, which meets the criteria specified in KRS 15A.320; and

(63) "Youthful offender" means any person regardless of age, transferred to Circuit Court under the provisions of KRS Chapter 635 or 640 and who is subsequently convicted in Circuit Court.

Section 17. KRS 610.127 is amended to read as follows:

Reasonable efforts as defined in KRS 620.020 shall not be required to be made with respect to a parent of a child if a court of competent jurisdiction determines that the parent has:

(1) Subjected the child to aggravated circumstances as defined in KRS 600.020;

(2) Been convicted in a criminal proceeding of having caused or contributed to the death of another child of the parent;

(3) Committed a felony assault that resulted in serious bodily injury to the child or to another child of the parent;

(4) Had their parental rights to another child terminated involuntarily;

(5) Engaged in a pattern of conduct due to alcohol or other drug abuse as defined in KRS 222.005[~~(12)~~] for a period of not less than ninety (90) days that has rendered the parent incapable of caring for the immediate and ongoing needs of the child, and the parent has refused or failed to complete available treatment for alcohol or other drug abuse;

(6) Mental illness as defined in KRS 202A.011[~~(9)~~] or mental retardation as defined in KRS 202B.010[~~(9)~~] or other developmental disability as defined in KRS 387.510[~~(7)~~] that places the child at substantial risk of physical or emotional injury even if the most appropriate and available services were provided to the parent for twelve (12) months; or

(7) Other circumstances in existence that make continuation or implementation of reasonable efforts to preserve or reunify the family inconsistent with the best interests of the child and with the permanency plan for the child.

Section 18. KRS 620.023 is amended to read as follows:

(1) Evidence of the following circumstances if relevant shall be considered by the court in all proceedings conducted pursuant to KRS Chapter 620 in which the court is required to render decisions in the best interest of the child:

  (a) Mental illness as defined in KRS 202A.011[~~(9)~~] or mental retardation as defined in KRS 202B.010[~~(9)~~] of the parent, as attested to by a qualified mental health professional, which renders the parent unable to care for the immediate and ongoing needs of the child;

  (b) Acts of abuse or neglect as defined in KRS 600.020[~~(1)~~] toward any child;

  (c) Alcohol and other drug abuse, as defined in KRS 222.005[~~(12)~~], that results in an incapacity by the parent or caretaker to provide essential care and protection for the child;

  (d) A finding of domestic violence and abuse as defined in KRS 403.720, whether or not committed in the presence of the child;

  (e) Any other crime committed by a parent which results in the death or permanent physical or mental disability of a member of that parent's family or household; and

  (f) The existence of any guardianship or conservatorship of the parent pursuant to a determination of disability or partial disability as made under KRS 387.500 to 387.770 and 387.990.

(2) In determining the best interest of the child, the court may consider the effectiveness of rehabilitative efforts made by the parent or caretaker intended to address circumstances in this section."; and

By renumbering the subsequent section accordingly; and

On page 2, after line 8, by inserting the following:

"Section 20. The following KRS section is repealed:

222.021 Substance Abuse, Pregnancy, and Women of Childbearing Age Work Group -- Membership -- Duties -- Expiration of section.".

Representative Nunn moved that the House refuse to concur in Senate Floor Amendment No. 1 to **HB 67**.

On the roll call the vote was: **Yeas 32, Nays 61.** (See March 29, 2004, roll call on **HB 67** - Appendix.)

The motion to refuse to concur in Senate Floor Amendment No. 1 to **HB 67** was defeated.

Representative Wayne moved that the House concur in Senate Floor Amendment No. 1 to **HB 67**.

On the roll call the vote was: **Yeas 76, Nays 17.** (See March 29, 2004, roll call on **HB 67** - Appendix.)

The House did concur in the Senate Floor Amendment No. 1 to **HB 67**.

Representative Nunn moved that **HB 67**, as amended by the Senate, be passed.

On the roll call the vote was: **Yeas 94, Nays 1.** (See March 29, 2004, roll call on **HB 67** - Appendix.)

HB 67, as amended by the Senate, was passed and the title agreed to.

Representative Nunn moved that the vote by which **HB 67**, as amended by the Senate, was passed be reconsidered and said motion be placed on the table. Agreed.

Senate Message

Message received in regard to **HB 395**: The Senate has passed **HB 395** by way of Committee Substitute with the following Senate Committee Amendments No. 10, 20, 17, 3, 8, 16, 11, 18, 22, 5, 9, 23, 21, 19, 2, 6, and 12 and respectfully requests concurrence of this Honorable Body. (8:00 p.m.)

Orders of the Day (Continued)

HB 708, with Senate Committee Substitute and Senate Floor Amendment attached thereto, taken from the Orders of the Day. Representative Adkins moved that it be placed upon its passage for concurrence or non concurrence. Agreed.

The Senate Committee Substitute to **HB 708** is as follows:

HB 708, AN ACT relating to horse racing.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 230.443 is amended to read as follows:

[~~No ~~]Quarter *horses, Appaloosas, and Arabian horses*[~~horse or Appaloosa~~] foaled by artificial insemination *or other means* shall be eligible to race under the provisions of this chapter[~~, but Arabian horses foaled by artificial insemination shall be eligible to race under the provisions of this chapter~~].

SECTION 2. A NEW SECTION OF KRS CHAPTER 230 IS CREATED TO READ AS FOLLOWS:

As used in Sections 2 to 7 of this Act, unless the context requires otherwise:

(1) "Hub" means an international wagering hub, a business which, through a qualified subscriber-based service, conducts pari-mutuel wagering on the horse races that it simulcasts and other races that it carries in its wagering menu;

(2) "Qualified subscriber-based service" means any information service or system, including but not limited to a closed-loop system, that uses:

(a) A device or combination of devices authorized and operated exclusively for placing, receiving, or otherwise making pari-mutuel wagers on horse races by a customer subscriber base through accounts established with the operator of the hub;

(b) An effective customer verification and age verification system; and

(c) Appropriate data security standards to prevent unauthorized access by nonsubscribers or minors;

(3) "Foreign jurisdiction" means states other than Kentucky, a territory of the United States, a foreign country, or any political subdivision thereof; and

(4) "Commission" means the Kentucky Racing Commission or its successor authority.

SECTION 3. A NEW SECTION OF KRS CHAPTER 230 IS CREATED TO READ AS FOLLOWS:

(1) Except as otherwise provided in Sections 2 to 7 of this Act, the provisions of KRS 230.378, 230.379, and 230.380 shall apply to the establishment of authorized hub accounts for residents of the Commonwealth of Kentucky.

(2) Accounts may be established for individuals outside of the Commonwealth of Kentucky, including foreign jurisdictions, if:

(a) Pari-mutuel wagering on horse racing is lawful in the jurisdiction of the account holder's principal residence; and

(b) The hub complies with the Interstate Horse Racing Act, 15 U.S.C. secs. 3001 to 3007.

SECTION 4. A NEW SECTION OF KRS CHAPTER 230 IS CREATED TO READ AS FOLLOWS:

(1) Notwithstanding KRS 230.361(1), a licensee may operate the hub either independently or in association with one (1) or more racetracks licensed by the commission to run live races and conduct pari-mutuel wagering in Kentucky. Hub operations may be physically located on property other than that operated by a racetrack and may accept wagers at that location and shall comply with the Interstate Horseracing Act, 15 U.S.C. secs. 3001 to 3007.

(2) As a part of the application for licensure as a hub, an applicant shall submit a detailed plan of operations in a format and containing any information as required by the commission. The application shall be accompanied by an application fee to cover incremental costs to the commission, in an amount the commission determines to be appropriate. At a minimum, the operating plan shall address the following:

(a) The manner in which the proposed wagering system will operate, including its proposed operating schedule;

(b) The requirements for a qualified subscriber-based service set out in Section 2 of this Act; and

(c) The requirements for accounts established and operated for persons whose principal residence is outside of the Commonwealth of Kentucky.

(3) The commission may require changes in a proposed plan of operations as a condition of licensure. Subsequent

material changes in the systems operation shall not occur unless approved by the commission.

(4) The commission may conduct investigations or inspections or request additional information from any applicant as it deems appropriate in determining whether to approve the license application.

(5) An applicant licensed under this section may enter into any agreements that are necessary to promote, advertise, and further the sport of horse racing, or for the effective operation of hub operations, including, without limitation, interstate account wagering, television production, and telecommunications services.

(6) The commission shall promulgate administrative regulations to effectuate the provisions of Sections 2 to 7 of this Act. The administrative regulations shall include but not be limited to criteria for licensing, the application process, the format for the plan of operations, requisite fees, procedures for notifying the commission of substantive changes, contents of agreements entered into under subsection (5) of this section, procedures for accounting for wagers made, and other matters reasonably necessary to implement Sections 2 to 7 of this Act.

SECTION 5. A NEW SECTION OF KRS CHAPTER 230 IS CREATED TO READ AS FOLLOWS:

The operator of a hub shall not be subject to any fee or tax imposed on racetracks or simulcast facilities under KRS 137.170, 138.480, 138.510, or Chapter 230 for the hub operator's wagering and simulcast operations established under Sections 2 to 7 of this Act.

SECTION 6. A NEW SECTION OF KRS CHAPTER 230 IS CREATED TO READ AS FOLLOWS:

(1) Any wager that is made for an account maintained with the hub operator shall be considered to have been made in the Commonwealth of Kentucky.

(2) Account holders may communicate instructions concerning account wagers to the hub only by telephonic or other electronic means.

SECTION 7. A NEW SECTION OF KRS CHAPTER 230 IS CREATED TO READ AS FOLLOWS:

The commission or its staff shall, upon request, be given access, for review and audit, to all records and financial information of the hub operator, including all account information. The commission may require that the hub operator annually submit to the commission audited financial statements.

Representative Barrows moved that the House concur in the Senate Committee Substitute to **HB 708**. Agreed.

On the roll call the vote was: **Yeas 40, Nays 45.** (See March 29, 2004, roll call on **HB 708** - Appendix.)

The House refused to concur in Senate Committee Substitute to **HB 708**.

The Senate Floor Amendment No. 1 to the Senate Committee Substitute to **HB 708** is as follows:

HB 708, On page 4, after line 11, by inserting the following:

"SECTION 8. A NEW SECTION OF KRS CHAPTER 230 IS CREATED TO READ AS FOLLOWS:

(1) All harness racetracks licensed by the commission shall not be required to pay the excise tax imposed under KRS 138.510(2), and that amount that would have been paid under that subsection shall be retained by the track to promote and maintain its facilities and its live meet.

(2) Except as provided in subsection (1) of this section, nothing in Sections 2 to 7 of this Act shall exempt racetracks or simulcast facilities from any taxes imposed under KRS 137.170, 138.480, 138.510 or Chapter 230.".

Representative Barrows moved that the House concur in Senate Floor Amendment No. 1 to the Senate Committee Substitute to **HB 708**.

The Speaker ruled that the motion to concur in Senate Floor Amendment No. 1 is out of order since the amendment pertains to the Senate Committee Substitute No. 1 to **HB 708**.

SB 111, with House Committee Substitute and House Floor Amendment attached thereto, taken from the Orders of the Day. Representative Adkins moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Rasche moved that the House recede from House Floor Amendment No. 4 to **SB 111**. Agreed.

Representative Rasche moved that the House recede from the House Committee Substitute to **SB 111**. Agreed.

The Speaker ruled that the motion to recede from the House Committee Substitute to **SB 111** was out of order.

Representative Rasche moved that **SB 111**, by way of House Committee Substitute, be passed.

On the roll call the vote was: **Yeas 88, Nays 0**. (See March 29, 2004, roll call on **SB 111** - Appendix.)

SB 111, by way of House Committee Substitute, was passed and the title agreed to.

Representative Rasche moved that the vote by which **SB 111**, by way of House Committee Substitute, was passed be reconsidered and said motion be placed on the table. Agreed.

Representative Adkins moved that the House recess until 9:45 p.m.

Recess

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Report On Enrolled Bills

HB 82, 113, 152, 162, 178, 322, 331, 362, 434, 461, 510, 593, 595, and **HJR 11** delivered to the Senate and signed by the President. Delivered to the Governor on March 29, 2004 at 8:17 p.m.

A Free Conference Committee Report was filed on **HB 97**.

Senate Message

Announcing passage of **HB 397**.

Message received in regard to **HB 396**: The Senate has passed **HB 396** by way of Committee Substitute with the following Senate Committee Amendment No. 1, Senate Committee Amendment No. 2, and Senate Committee Amendment No. 3, and respectfully requests concurrence of this Honorable Body. (10:30 p.m.)

Report On Enrolled Bills

The Committee on Enrollment reported that **SB 86** has been examined and found correctly enrolled. Said Bill was read at length, compared and signed in open session by the Speaker, and ordered delivered to the Senate. (Time -10:35 p.m.)

Representative Adkins moved that the rules be suspended for the reading of the Free Conference Committee Report on **HB** 97.

Representative Adkins moved that **HB 395** be taken from the Committee on Rules and placed in the Orders of the Day. Agreed.

Representative Adkins moved that **HB 396** be taken from the Committee on Rules and placed in the Orders of the Day. Agreed.

Orders of the Day (Continued)

SCR 233 taken from the Orders of the Day. Representative Adkins moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Adkins moved adoption of the following **SCR 233**.

A CONCURRENT RESOLUTION adjourning the General Assembly until April 12, 2004.

Be it resolved by the Senate of the General Assembly of the Commonwealth of Kentucky, the House of Representatives concurring therein:

Section 1. When the Senate and the House of Representatives adjourn on Monday, March 29, 2004, they do so to convene again on Monday, April 12, 2004, at a time to be set by motion upon adjournment.

On the roll call the vote was: **Yeas 65, Nays 24**. (See March 29, 2004, roll call on **SCR 233** - Appendix.)

SCR 233 was adopted.

Report On Enrolled Bills

The Committee on Enrollment reported that **HB 67, 397,** and **441** have been examined and found correctly enrolled. Said Bills were read at length, compared and signed in open session by the Speaker, and ordered delivered to the Senate. (Time -10:42 p.m.)

Orders of the Day (Continued)

HB 395, with Senate Committee Substitute and Senate Committee Amendments attached thereto, taken from the Orders of the Day. Representative Adkins moved that it be placed upon its passage for concurrence or non concurrence. Agreed.

The Senate Committee Substitute to **HB 395** is as follows:

HB 395, AN ACT relating to appropriations and revenue measures providing financing for the operations, maintenance, support, and functioning of the government of the Commonwealth of Kentucky and its various officers, cabinets, departments, boards, commissions, institutions, subdivisions, agencies, and other state-supported activities.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

PART I

OPERATING BUDGET

(1) **Funds Appropriations:** There is appropriated out of the General Fund, Road Fund, Restricted Funds accounts, or Federal Funds accounts for the fiscal year ending June 30, 2004, for the fiscal year beginning July 1, 2004, and ending June 30, 2005, and for the fiscal year beginning July 1, 2005, and ending June 30, 2006, the following discrete sums, or so much thereof as may be necessary. Appropriated funds are included pursuant to KRS 48.700 and 48.710. Each appropriation is made by source of respective fund or funds accounts. Appropriations for the following officers, cabinets, departments, boards, commissions, institutions, subdivisions, agencies, and budget units of the state government, and any and all other activities of the government of the Commonwealth, are subject to the provisions of Chapters 12, 42, 45, and 48 of the Kentucky Revised Statutes and compliance with the conditions and procedures set forth in this Act.

(2) **Tobacco Settlement Funds:** Appropriations identified as General Fund (Tobacco) in Part I, Operating Budget, are representative of the amounts provided in Part X, Phase I Tobacco Settlement, and are not to be appropriated in duplication.

A. GENERAL GOVERNMENT

Budget Units

1. EXECUTIVE OFFICE OF THE GOVERNOR

a. **Office of the Governor**

	2004-05	2005-06
General Fund	5,950,800	7,385,700
Restricted Funds	1,311,100	-0-
TOTAL	7,261,900	7,385,700

b. **Office of State Budget Director**

	2004-05	2005-06
General Fund	2,285,500	4,323,800
Restricted Funds	1,842,000	-0-
TOTAL	4,127,500	4,323,800

c. **State Planning Fund**

	2004-05	2005-06
General Fund	500,000	500,000

TOTAL - EXECUTIVE OFFICE OF THE GOVERNOR

	2004-05	2005-06
General Fund	8,736,300	12,209,500
Restricted Funds	3,153,100	-0-
TOTAL	11,889,400	12,209,500

2. DEPARTMENT OF PERSONNEL

a. **General Operations**

	2004-05	2005-06
General Fund	4,674,100	9,779,700

Restricted Funds	12,373,600	12,956,900
TOTAL	17,047,700	22,736,600

(1) **Monthly Per Employee Health Insurance Benefits Assessment:** Notwithstanding KRS 18A.015(2), (3), and (4), the Department of Personnel shall collect a benefits assessment per month per employee eligible for health insurance coverage in the state group as contained in Appendix B of the budget instructions promulgated by the Legislative Research Commission and communicated to agencies by the Office of State Budget Director for duly authorized use by the Department of Personnel in administering its statutory and administrative responsibilities, including but not limited to administration of the Commonwealth's health insurance program.

(2) **Debt Service:** Included in the above General Fund appropriation is $3,562,000 in fiscal year 2005-2006 for debt service to support new bonds as set forth in Part II of this Act.

(3) **Flexible Benefit Account:** Notwithstanding KRS 18A.225(2)(g), any funds from the calendar year 2004 and calendar year 2005 public employee health insurance program accruing to the Flexible Benefit Account, not otherwise appropriated in fiscal year 2005-2006, and in excess of the amount reflected in Part V of this Act shall be credited to the General Fund Surplus Account.

(4) **Combined Health Insurance Coverage**: In the event that both an employee and his or her spouse are both eligible for an employer contribution toward the purchase of health insurance from a state agency, local school district, or the Kentucky Employees Retirement System, the Commissioner of Personnel shall provide the option for them to combine both employer contributions and purchase a plan and level of coverage they desire under the state health insurance group. The couple shall designate one member as the lead employee member and the employer contribution made on behalf of that lead employee member shall be the same amount as for an employee selecting the same type and level of coverage that does not have a spouse making a combined contribution. The employer contribution for the remaining spouse shall be the same amount as for an employee selecting the single plan with the standard level of coverage.

(5) **State Agencies' Health Insurance Supplemental Funding**: Included in the above General Fund appropriation is $1,470,500 in fiscal year 2004-2005 and $3,014,100 in fiscal year 2005-2006 for State Agencies' Health Insurance Supplemental Funding. The Commissioner of Personnel, in consultation with the State Budget Director, shall determine the amount of funds necessary by budget unit to provide for the health insurance adjustment. The State Agencies' Health Insurance Supplemental Funding shall be supplemented by Restricted Agency Funds, Federal Funds, the Road Fund, and other General Fund amounts otherwise appropriated to state agencies in order to provide for the health insurance adjustment. The Commissioner of Personnel, upon approval by the State Budget Director, shall notify the Secretary of the Finance and Administration Cabinet of the respective amount of General Fund from the State Agencies' Health Insurance Supplemental Funding to transfer to each affected budget unit, and such funds shall be transferred. The Commissioner of Personnel and the State Budget Director shall report to the Interim Joint Committee on Appropriations and Revenue regarding the implementation of this provision on a timely basis.

b. Kentucky Public Employees Deferred Compensation Authority

	2004-05	**2005-06**
Restricted Funds	5,133,200	5,648,600

c. Workers' Compensation Benefits And Reserve

	2004-05	**2005-06**
Restricted Funds	24,666,800	27,931,500

(1) **Appropriation Estimates:** The above appropriations represent estimates of the funds necessary to operate this program. If additional funds are required to adequately maintain this program, the necessary Restricted Funds are appropriated, subject to the conditions and procedures provided in this Act.

d. State Salary Compensation Fund

	2004-05	**2005-06**
General Fund	1,805,200	5,268,500

(1) **Cost-of-Living Adjustment:** The above General Fund Appropriation in fiscal year 2004-2005 and fiscal year 2005-2006 is provided to supplement funds in state agency budgets to fund a cost-of-living adjustment for state employees as provided in Part IV of this Act.

TOTAL - DEPARTMENT OF PERSONNEL

	2004-05	**2005-06**
General Fund	6,479,300	15,048,200
Restricted Funds	42,173,600	46,537,000
TOTAL	48,652,900	61,585,200

3. DEPARTMENT OF VETERANS' AFFAIRS

	2004-05	**2005-06**
General Fund	15,358,800	15,458,800

Restricted Funds	21,657,000	22,417,000
TOTAL	37,015,800	37,875,800

(1) **Weekend and Holiday Premium Pay Incentive:** The Kentucky Veterans' Centers are authorized to continue the weekend and holiday premium pay incentive component of the Personnel Pilot Program for the 2004-2006 fiscal biennium.

(2) **Carry Forward of General Fund Appropriations:** Notwithstanding KRS 45.229, the unexpended balance of the General Fund appropriation provided to the Eastern Kentucky Veterans' Center, the Western Kentucky Veterans' Center, and the Thompson/Hood Veterans' Center in fiscal year 2003-2004 shall not lapse and shall be carried forward into fiscal year 2004-2005.

(3) **Congressional Medal of Honor Recipients - Travel and Per Diem:** The Commissioner of the Department of Veterans' Affairs may approve travel and per diem expenses incurred when Kentucky residents who have been awarded the Congressional Medal of Honor attend veterans, military, or memorial events in the Commonwealth of Kentucky.

4. GOVERNOR'S OFFICE OF AGRICULTURAL POLICY

	2004-05	2005-06
General Fund (Tobacco)	39,100,800	34,007,400
General Fund	-0-	1,796,000
Restricted Funds	520,600	515,600
TOTAL	39,621,400	36,319,000

(1) **Tobacco Settlement Funds - Allocations:** Notwithstanding KRS 248.711(2), and from the allocation provided therein, counties that are allocated in excess of $20,000 annually may provide up to four percent of the individual county allocation, not to exceed $15,000 annually, to the county council in that county for administrative costs.

(2) **New Economy Initiatives:** The Agricultural Development Board is encouraged to work with the Economic Development Cabinet to provide up to $5,000,000 each year of the biennium to fund the Natural Products Investment Fund.

(3) **Debt Service:** Included in the above General Fund appropriation is $1,796,000 in fiscal year 2005-2006 for new bonds as set forth in Part II of this Act.

(4) **Environmental Stewardship Program:** The above General Fund (Tobacco) appropriation includes $4,000,000 in fiscal year 2004-2005 and $4,000,000 in fiscal year 2005-2006 for grants for the Environmental Stewardship Program in the Governor's Office of Agricultural Policy. The Environmental Stewardship Program shall not be limited from applying for or receiving additional grants from the Agricultural Development Board.

5. KENTUCKY INFRASTRUCTURE AUTHORITY

	2004-05	2005-06
General Fund (Tobacco)	-0-	5,000,000
General Fund	-0-	10,690,000
Restricted Funds	3,726,500	3,714,200
Federal Funds	50,322,000	50,339,000
TOTAL	54,048,500	69,743,200

(1) **Federally Assisted Wastewater Revolving Loan Fund Program:** Included in the above General Fund appropriation is $802,000 in fiscal year 2005-2006 for debt service to support $8,400,000 in bonds to match $42,000,000 in Federal Funds for the Federally Assisted Wastewater Revolving Loan Fund program (Fund A).

(2) **Safe Drinking Water State Revolving Loan Fund Program:** Included in the above General Fund appropriation is $727,000 in fiscal year 2005-2006 for debt service to support $7,600,000 in bonds to match $38,000,000 in Federal Funds for the Safe Drinking Water State Revolving Loan Fund program (Fund F). The Federal Funds for this program are appropriated in the operating budget to comply with the Federal Cash Management Act. The required state matching funds are appropriated as Bond Funds in Part II, Capital Projects Budget, of this Act.

(3) **Infrastructure for Economic Development Fund for Coal Producing Counties:** Included in the above General Fund appropriation is $4,767,000 in fiscal year 2005-2006 for debt service to support an additional $50 million in state bonds for the Infrastructure for Economic Development Fund for Coal Producing Counties.

(4) **Infrastructure for Economic Development Fund for Tobacco Counties:** Included in the above General Fund (Tobacco) appropriation is $5,000,000 in fiscal year 2005-2006, and included in the above General Fund appropriation is $4,394,000 in fiscal year 2005-2006, for debt service for the Infrastructure for Economic Development Fund for Tobacco Counties in Part II, Capital Projects Budget. Future debt service payments for the Infrastructure for Economic Development Fund for Tobacco Counties shall be provided from the General Fund.

6. MILITARY AFFAIRS

	2003-04	2004-05	2005-06
General Fund	-0-	10,572,700	11,045,700
Restricted Funds	5,946,300	55,536,600	59,441,400

Federal Funds	-0-	59,327,000	61,870,500
TOTAL	5,946,300	125,436,300	132,357,600

(1) **Current Year Appropriation:** Included in the above Restricted Funds appropriation is $5,946,300 in fiscal year 2003-2004 for additional receipts anticipated in Self-Sustaining/Commercial Operations of the Bluegrass Station as a result of two new Department of Defense contracts.

(2) **Federal Defense Contract:** Included in the above Restricted Funds appropriation is $31,890,600 in fiscal year 2004-2005, and $32,195,100 in fiscal year 2005-2006 for expanded federal defense contract activity at Bluegrass Station and the Central Clothing Distribution Facility.

(3) **Debt Service:** Included in the above General Fund appropriation is $473,000 in fiscal year 2005-2006 for debt service to support new bonds as set forth in Part II of this Act.

(4) **Kentucky National Guard:** There is appropriated from the General Fund the necessary funds to be expended, subject to the conditions and procedures provided in this Act, which are required as a result of the Governor's call of the Kentucky National Guard to active duty when an emergency or exigent situation has been declared to exist by the Governor. These necessary funds shall be made available from the General Fund Surplus Account (KRS 48.700) or the Budget Reserve Trust Fund Account (KRS 48.705).

(5) **Disaster or Emergency Aid Funds:** There is appropriated from the General Fund the necessary funds, subject to the conditions and procedures in this Act, which are required to match federal aid to which the state would be eligible in the event of a presidentially declared disaster or emergency. These necessary funds shall be made available from the General Fund Surplus Account (KRS 48.700) or the Budget Reserve Trust Fund Account (KRS 48.705).

7. COMMISSION ON HUMAN RIGHTS

	2003-04	**2004-05**	**2005-06**
General Fund	-0-	1,904,300	1,904,300
Restricted Funds	-0-	5,500	10,500
Federal Funds	58,800	268,400	212,900
TOTAL	58,800	2,178,200	2,127,700

(1) **Current Year Appropriation:** Included in the above Federal Funds appropriation is $58,800 in fiscal year 2003-2004 to provide for contract obligations related to federal civil rights enforcement.

8. COMMISSION ON WOMEN

	2004-05	**2005-06**
General Fund	263,200	263,200
Restricted Funds	22,800	13,000
TOTAL	286,000	276,200

9. LOCAL GOVERNMENT

	2004-05	**2005-06**
General Fund	10,197,700	11,269,200
Restricted Funds	1,072,000	639,600
Federal Funds	52,430,800	52,430,800
TOTAL	63,700,500	64,339,600

(1) **Flood Control Matching Fund Project Review:** The Department for Local Government shall transmit a copy of the application for a flood-related project to be funded from the flood control matching fund to the Environmental and Public Protection Cabinet with a request for a review of the project pursuant to KRS Chapter 151.

(2) **Cemetery Preservation:** In the 2004-2006 biennium, up to $500,000 in funds collected pursuant to KRS 48.005(5) shall be appropriated and transferred to the County Cemetery Fund. Notwithstanding KRS 48.005(5)(b), any amounts in excess of $500,000 shall be deposited in the General Fund Surplus Account. The Attorney General shall provide notice to the Governor's Office for Policy and Management and the Legislative Research Commission of the nature of any funds deposited in this account.

Funds shall be made available for grants for cemetery preservation initiatives, subject to a one-to-one dollar local cash match certified to the Department for Local Government. Grant applications may be made by an agency of the Commonwealth; a city, county, urban-county, charter county, or consolidated local government; a not-for-profit cemetery; a not-for-profit historical or genealogical organization; or a not-for-profit local community or civic group.

(3) **Community Economic Growth Grant Program:** Included in the above General Fund appropriation is $239,500 in fiscal year 2004-2005 and $953,000 in fiscal year 2005-2006 for debt service on $5,000,000 Bond Funds in fiscal year 2004-2005 and $5,000,000 in fiscal year 2005-2006 to support the Community Economic Growth Grant Program. This grant program is created to assist counties, cities, special districts, or local school districts with funding of projects that will enhance the economic

development of their community.

The Community Economic Growth Grant Program shall be administered by the Department for Local Government and maintained in the State Treasury. The department may receive state appropriations, gifts, grants, and federal funds that shall be disbursed by the State Treasurer upon the warrant of the Commissioner of the Department for Local Government. Notwithstanding KRS 45.229, any funds remaining at the end of a fiscal year shall not lapse and shall be available for expenditure in the subsequent fiscal year.

Moneys in the fund shall be used for capital projects that contribute to community or industrial development in the Commonwealth. Capital projects eligible for financing out of the fund may include but not be limited to:

(a) The construction, reconstruction, renovation, and maintenance of buildings and other improvements to real estate and the architectural, engineering, legal, and other expenses required;

(b) The acquisition of real property and interests in real property;

(c) The purchase of major equipment;

(d) Industrial site development projects, including land reclamation, clearing, grading, draining, landscaping, and construction of walkways and fences;

(e) The extension, installation, and upgrading of water, gas, sewer, and electrical utilities to public facilities and industrial sites;

(f) Retirement of a mortgage or other indebtedness on a capital project made within the preceding five calendar years; and

(g) To match or use in combination with funds obtained from other sources for an eligible capital improvement project.

Any county, city, special district, or local school district governing body shall submit proposals through its Area Development District for consideration by the Commissioner of the Department for Local Government. The Area Development District shall provide a recommendation on each proposal and forward the proposal to the Commissioner of the Department for Local Government for final consideration and action.

Project proposals shall include: a detailed description of the project; a statement of the public benefit derived from the project; design plans and specifications, if applicable; an itemized estimate of the cost of the project; source of other funds or in-kind match; and other information that the Department for Local Government may require.

Annually, by October 1 each year, the Commissioner of the Department for Local Government shall report on this program to the Interim Joint Committee on Appropriations and Revenue.

(4) Southeastern Kentucky Regional Agriculture and Exhibition Center in Corbin: Included in the above General Fund appropriation is $358,000 in fiscal year 2005-2006 for debt service.

10. SPECIAL FUNDS

a. Local Government Economic Assistance Fund

	2004-05	**2005-06**
General Fund	32,451,700	32,157,200

b. Local Government Economic Development Fund

	2004-05	**2005-06**
General Fund	29,857,700	25,290,300

(1) Coal Severance Tax Collections Calculations and Transfers: The above appropriations from the General Fund are based on the official estimate presented by the Office of State Budget Director for coal severance tax collections during the biennium, distributed in accordance with KRS 42.450 to 42.495.

(2) Trover Clinic Grant: Notwithstanding KRS 42.4585, the quarterly calculation and transfer of the funds pursuant to KRS 42.4585 shall be made only after each quarterly installment of the annual appropriation of $1,000,000 in fiscal year 2004-2005 and $1,000,000 in fiscal year 2005-2006 has been credited to the Trover Clinic Grant within the Department for Local Government.

(3) West Kentucky Corporation and East Kentucky Corporation: Notwithstanding KRS 42.4588, funds totaling $467,000 in fiscal year 2004-2005 and fiscal year 2005-2006 shall be transferred from the Local Government Economic Development Fund Multi-County Fund to the West Kentucky Corporation. Notwithstanding KRS 42.4588, funds totaling $467,000 in fiscal year 2004-2005 and fiscal year 2005-2006 shall be transferred from the Local Government Economic Development Fund Multi-County Fund to the East Kentucky Corporation.

(4) Department for Regional Development: Notwithstanding KRS 42.4592, the quarterly calculation of the allocation of moneys to coal-producing counties through the Local Government Economic Development Fund pursuant to KRS 42.4592 shall be made only after each quarterly installment of the annual appropriation of $755,400 in fiscal year 2004-2005 and $768,500 in fiscal year 2005-2006 is allotted as a General Fund appropriation to the Department for Regional Development within the Cabinet for Economic Development.

(5) Kentucky Wood Products Competitiveness Corporation: Notwithstanding KRS 42.4586, no funds shall be transferred to the Secondary Wood Products Development Fund.

(6) **Kentucky Workers' Compensation Funding Commission:** Notwithstanding KRS 342.122(1)(c), $19,000,000 from the General Fund shall not be credited to the benefit reserve fund within the Kentucky Workers' Compensation Funding Commission in fiscal year 2004-2005 and fiscal year 2005-2006.

(7) **High-Tech Construction/Investment Pools:** Notwithstanding KRS 42.4592, the quarterly calculation of the allocation of moneys to coal-producing counties through the Local Government Economic Development Fund pursuant to KRS 42.4592 shall be made only after each quarterly installment of the annual appropriation of $3,625,000 in fiscal year 2004-2005 and $3,500,000 in fiscal year 2005-2006 is allotted as a General Fund appropriation to the Office for the New Economy. These funds will be allocated to the high-tech construction/investment pools created under KRS 154.12-278. Notwithstanding KRS 42.4588(4) and (5), these funds will be used for projects and programs recommended by the Office of the Commissioner for the New Economy in the Economic Development Cabinet. The projects identified are limited to research and development, commercialization, or work-related initiatives consistent with the character of the high-tech construction and high-tech investment pools administered by the Office for the New Economy. Investment and construction pool projects shall be targeted solely to Kentucky's Local Government Economic Development Fund eligible counties.

(8) **School Facilities Construction Commission:** Notwithstanding KRS 42.4592, the quarterly calculation of the allocation of moneys to coal-producing counties through the Local Government Economic Development Fund pursuant to KRS 42.4592 in fiscal year 2004-2005 shall be made only after funds totaling $3,235,500, and in fiscal year 2005-2006 shall be made only after funds totaling $4,617,900, is allotted as a General Fund appropriation to the School Facilities Construction Commission to provide debt service to support previously authorized bonds.

(9) **Kentucky Infrastructure Authority:** Notwithstanding KRS 42.4592, the quarterly calculation of the allocation of moneys to coal-producing counties through the Local Government Economic Development Fund pursuant to KRS 42.4592 shall be made only after each quarterly installment of the annual appropriation of $4,767,000 in fiscal year 2005-2006 is allotted as a General Fund appropriation to the Kentucky Infrastructure Authority to provide General Fund debt service to support Bond Funds for the Infrastructure for Economic Development Fund for Coal Producing Counties.

(10) **Debt Service:** All necessary debt service amounts shall be appropriated from the General Fund and shall be fully paid regardless of whether there are sufficient moneys available to be transferred from coal severance tax supported funding program accounts to other accounts of the General Fund.

(11) **Tourism Marketing:** Notwithstanding KRS 42.4588, $2,000,000 in fiscal year 2004-2005 shall be transferred from the Local Government Economic Development Fund Multi-County Fund to the Commerce Cabinet's Tourism Marketing program.

(12) **Governor's Early Reading Program:** Notwithstanding KRS 42.4588, funds totaling $2,000,000 in fiscal year 2004-2005 and $2,000,000 in fiscal year 2005-2006 shall be transferred from the Local Government Economic Development Fund Multi-County Fund to fund the Governor's Early Reading Program to the Department of Education.

(13) **Flood Matching Program:** Notwithstanding KRS 42.4592, the quarterly calculation of the allocation of moneys to coal-producing counties through the Local Government Economic Development Fund pursuant to KRS 42.4592 shall be made only after each quarterly installment of the annual appropriation of $1,500,000 in fiscal year 2004-2005 and fiscal year 2005-2006 is allotted as a General Fund appropriation to the Department for Local Government.

(14) **Parks Renovation Pool:** Notwithstanding KRS 42.4588, funds totaling $2,384,000 in fiscal year 2005-2006 shall be transferred to the General Fund from the Local Government Economic Development Fund Multi-County Fund to be used by the Commerce Cabinet to provide debt service to support Bond Funds for the Parks Renovation Pool.

(15) **Parameters for County Priorities:** Notwithstanding KRS 42.4592, Local Government Economic Development Fund allocations to each coal-producing county may be used to support non-recurring investments in public health and safety, for economic development, public infrastructure, information technology development and access, and public water and wastewater development with the concurrence of both the respective fiscal court and the Department for Local Government or the Kentucky Infrastructure Authority as appropriate.

(16) **Eastern Kentucky Water Utility Interconnection Study:** Notwithstanding KRS 42.4588, $650,000 in fiscal year 2003-2004 shall be transferred from the Local Government Economic Development Fund Multi-County Fund to the Department for Local Government for the Eastern Kentucky Water Utility Interconnection Study.

(17) **Prior Year Kentucky Infrastructure Authority:** Notwithstanding KRS 42.4592, the quarterly calculation of the allocation of moneys to coal-producing counties through the Local Government Economic Development Fund pursuant to KRS 42.4592 shall be made only after each quarterly installment of the annual appropriation of $4,091,900 in fiscal year 2005-2006 is allotted as a General Fund appropriation to the Finance and Administration Cabinet, Debt Service appropriation unit, to provide General Fund debt service to support Bond Funds for the prior year Water and Sewer Resources Development Fund for Coal Producing Counties.

Notwithstanding KRS 42.4588, $4,095,100 in fiscal year 2004-2005 shall be transferred from the Local Government Economic Development Fund Multi-County Fund to the General Fund to be used by the Finance and Administration Cabinet, Debt Service appropriation unit, to provide General Fund debt service to support Bond Funds for the Water and Sewer Resources Development Fund for Coal Producing Counties.

(18) Coal Waste Impoundment Study: Notwithstanding KRS 42.4588, funds totaling $300,000 in fiscal year 2004-2005 shall be transferred from the Local Government Economic Development Fund Multi-County Fund to the Commerce Cabinet, Office of the Secretary, to contract with the University of Kentucky to conduct a Coal Waste Impoundment Study.

(19) Coal Education: Notwithstanding KRS 42.4588, funds totaling $400,000 in fiscal year 2004-2005 and $400,000 in fiscal year 2005-2006 shall be transferred from the Local Government Economic Development Fund Multi-County Fund to the Coal Council for Coal Education.

c. Area Development Fund

	2004-05	2005-06
General Fund	809,700	809,700

(1) Appropriation Limit: Notwithstanding KRS 48.185, funds appropriated from the General Fund for the Area Development Fund shall be limited to these amounts.

TOTAL - SPECIAL FUNDS

	2004-05	2005-06
General Fund	63,119,100	58,257,200

11. EXECUTIVE BRANCH ETHICS COMMISSION

	2003-04	2004-05	2005-06
General Fund	25,000	351,500	351,500
Restricted Funds	-0-	2,400	2,400
TOTAL	25,000	353,900	353,900

(1) Current Year Appropriation: Included in the above General Fund appropriation is $25,000 in fiscal year 2003-2004 to support current operating expenditures.

12. SECRETARY OF STATE

	2004-05	2005-06
General Fund	2,224,000	2,224,000
Restricted Funds	802,900	802,900
TOTAL	3,026,900	3,026,900

(1) Carry Forward of Restricted Funds: Notwithstanding KRS 14.140, the above Restricted Funds appropriations shall not lapse and shall be used for the continuation of current activities within the General Administration unit and for the operations and staff of the Uniform Commercial Code Branch.

13. BOARD OF ELECTIONS

	2003-04	2004-05	2005-06
General Fund	-0-	4,991,000	3,046,400
Restricted Funds	-0-	57,100	57,100
Federal Funds	1,669,800	9,000,000	1,000,000
TOTAL	1,669,800	14,048,100	4,103,500

(1) Current Year Appropriation: Included in the above Federal Funds appropriation is $1,669,800 in fiscal year 2003-2004 to support increased personnel, operating, and grant expenditures necessary to implement the Help America Vote Act of 2002 (HAVA).

(2) Carry Forward of General Fund Appropriations: Notwithstanding KRS 45.229, any General Fund moneys unexpended by the State Board of Elections for the Help America Vote Act (HAVA) at the close of the fiscal year for which the funds were appropriated and otherwise made available shall not lapse but shall be carried forward into the following fiscal year, and shall be used solely for the purposes specified in Section 1 of the Help America Vote Act. Amounts in excess of those included in the General Fund continuing appropriation for this purpose, not to exceed $1,000,000, shall be deemed necessary governmental expenses and shall be paid from the General Fund Surplus Account (KRS 48.700) or the Budget Reserve Trust Fund Account (KRS 48.705).

(3) Cost of Elections: Included in the above General Fund appropriation is $3,434,800 in fiscal year 2004-2005 and $1,479,500 in fiscal year 2005-2006 to pay the state's share of county election expenses (KRS 117.345) and the state's share of voter registration expenses (KRS 116.145, 116.112(7), and 117.343). Notwithstanding KRS 117.345(2), the maximum state payment rate is increased from the current statutory level of $255 to $300 per precinct per election to each precinct using voting machines. Any amount that the state is required to pay under the provisions of KRS 116.112(7), 116.145, 117.343, and 117.345 shall be deemed necessary governmental expenses and shall be paid from the General Fund Surplus Account (KRS 48.700) or the Budget Reserve Trust Fund Account (KRS 48.705).

14. REGISTRY OF ELECTION FINANCE

	2004-05	2005-06
General Fund	1,409,500	1,409,500
Restricted Funds	89,200	118,000
TOTAL	1,498,700	1,527,500

15. ATTORNEY GENERAL

	2004-05	2005-06
General Fund	13,026,200	13,026,200
Restricted Funds	7,417,400	7,564,800
Federal Funds	2,382,900	2,449,000
TOTAL	22,826,500	23,040,000

(1) **Deputy and Assistant Deputy Attorneys General Salaries:** Notwithstanding KRS 15.100, the Attorney General may set the salary for the Deputy Attorney General and the salary for the three Assistant Deputy Attorneys General at a rate less than that required in KRS 15.100.

(2) **Expert Witnesses:** In addition to such funds as may be appropriated, the Office of the Attorney General may request from the Finance and Administration Cabinet, as a necessary government expense, such funds as may be necessary for expert witnesses pursuant to KRS 304.17A-095 and 367.150(8). Upon justification of the request, the Finance and Administration Cabinet shall approve up to $275,000 for the 2004-2006 fiscal biennium for this purpose to the Office of the Attorney General. The Department of Insurance shall provide the Office of the Attorney General any available information to assist in the preparation of a rate hearing pursuant to KRS 304.17A-095.

(3) **Annual and Sick Leave Service Credit:** Notwithstanding any statutory or regulatory restrictions to the contrary, any former employee of the Unified Prosecutorial System who has been appointed to a permanent full-time position under KRS Chapter 18A shall be credited annual and sick leave based on service credited under the Kentucky Retirement System solely for the purpose of computation of sick and annual leave. This provision shall only apply to any new appointment or current employee as of July 1, 1998.

(4) **Child Sexual Abuse License Plate Revenue:** Notwithstanding KRS 186.1867, the Transportation Cabinet shall review the costs related to the distribution of child victims' license plates. Any revenue received from the sale or renewal of those plates in excess of actual costs shall be transferred to the Child Victims' Trust Fund on an annual basis.

(5) **Legal Services Contracts:** The Office of the Attorney General may present proposals to state agencies specifying legal work that is presently accomplished through Personal Service Contracts that indicate the Office of the Attorney General's capacity to perform the work at a lesser cost. State agencies may agree to make arrangements with the Office of the Attorney General to perform the legal work and compensate the Office of the Attorney General for the legal services.

(6) **County Cemetery Fund:** In the 2004-2006 biennium, up to $500,000 in funds collected pursuant to KRS 48.005(5) shall be appropriated and transferred to the County Cemetery Fund. Notwithstanding KRS 48.005(5)(b), any amounts in excess of $500,000 shall be deposited in the General Fund Surplus Account. The Attorney General shall provide notice to the Governor's Office for Policy and Management and the Legislative Research Commission of the nature of any funds deposited in this account.

16. UNIFIED PROSECUTORIAL SYSTEM

(1) **Prosecutors Advisory Council Administrative Functions:** The Prosecutors Advisory Council shall approve compensation for employees of the Unified Prosecutorial System subject to the appropriations in this Act.

a. Commonwealth's Attorneys

	2004-05	2005-06
General Fund	27,842,100	28,138,300
Restricted Funds	203,900	204,500
Federal Funds	605,200	633,200
TOTAL	28,651,200	28,976,000

b. County Attorneys

	2004-05	2005-06
General Fund	22,979,900	23,514,100
Restricted Funds	4,800	4,800
Federal Funds	391,700	391,700
TOTAL	23,376,400	23,910,600

TOTAL - UNIFIED PROSECUTORIAL SYSTEM

	2004-05	2005-06

General Fund	50,822,000	51,652,400
Restricted Funds	208,700	209,300
Federal Funds	996,900	1,024,900
TOTAL	52,027,600	52,886,600

17. **TREASURY**

	2004-05	2005-06
General Fund	1,547,700	1,567,300
Restricted Funds	778,600	793,300
Road Fund	250,000	250,000
TOTAL	2,576,300	2,610,600

(1) **Unclaimed Property Fund:** Included in the Restricted Funds appropriation above is a recurring transfer from the Unclaimed Property Fund. In each respective fiscal year of the 2004-2006 fiscal biennium, $778,600 and $793,300 is appropriated to provide funding for services performed by the Unclaimed Property Division of the Department of the Treasury.

18. **AGRICULTURE**

	2004-05	2005-06
General Fund	19,001,500	19,001,500
Restricted Funds	4,855,200	3,305,200
Federal Funds	4,162,000	4,162,000
TOTAL	28,018,700	26,468,700

(1) **Breathitt Veterinary Center and Diagnostic Laboratories:** Included in the above General Fund appropriation is $578,500 in fiscal year 2004-2005 and $578,500 in fiscal year 2005-2006 for the Breathitt Veterinary Center at Murray State University and $478,500 in fiscal year 2004-2005 and $478,500 in fiscal year 2005-2006 for the University of Kentucky for the diagnostic laboratories. Included in the General Fund support for the University of Kentucky diagnostic laboratories is the sum of $108,500 in fiscal year 2004-2005 and $108,500 in fiscal year 2005-2006, which shall be transferred from the enforcement of tobacco product sales restrictions account in the Department of Agriculture.

(2) **Mexico Joint Trade Office:** Included in the above General Fund appropriation is $100,000 in each fiscal year for the Agriculture/Economic Development joint trade office in Mexico.

(3) **Enforcement of Tobacco Product Sale Restrictions:** Included in the above General Fund appropriation is $151,500 in fiscal year 2004-2005 and $151,500 in fiscal year 2005-2006 to carry out the provisions of KRS 438.335.

(4) **Purchase of Agricultural Conservation Easement (PACE) Program:** The PACE board may contract directly with land surveyors, real estate appraisers, and other licensed professionals as necessary.

(5) **Operations of the Department:** Notwithstanding KRS 217B.580, 248.290(2), 251.430, 260.650, 363.330, 363.906, and 438.335, funds may be expended in support of the operations of the Department.

(6) **Metrology Lab Operating Fees:** The Department of Agriculture may promulgate administrative regulations establishing licensing fees, testing fees, and any other fees necessary to operate and maintain a metrology lab in the Office for Consumer and Public Service. These Restricted Funds receipts shall be utilized for personnel and operations of the metrology lab.

19. **AUDITOR OF PUBLIC ACCOUNTS**

	2004-05	2005-06
General Fund	5,280,800	5,030,800
Restricted Funds	3,096,500	3,306,000
TOTAL	8,377,300	8,336,800

(1) **Auditor's Scholarships:** Notwithstanding KRS 43.200, no funding is provided for Auditor's scholarships.

(2) **State and Local Government Audit Contracts:** Notwithstanding the provisions of KRS Chapter 43 and any other provision of law to the contrary, state and local agencies may submit any proposal for audit services to the Auditor of Public Accounts. The Auditor of Public Accounts shall determine if the audit can be performed within its existing personnel complement. If the Auditor of Public Accounts cannot perform the audit function with agency auditors and has either declined in writing or has failed to respond within 30 days of receipt of the proposal, the state or local entity may enter into a contract with a nongovernmental entity for audit services to be performed in accordance with standards, guidelines, and timelines as prescribed by the Auditor of Public Accounts.

(3) **Audit Records and Status Reports:** The Auditor of Public Accounts shall report in writing each 60 days to the Interim Joint Committee on Appropriations and Revenue the progress of all state audits, together with copies of all completed audits. The Auditor of Public Accounts shall maintain a record of all time and expenses for each audit or investigation.

(4) **Charges for Federal, State, and Local Audits:** Any additional expense incurred by the Auditor of Public

Accounts for auditing Federal Funds, when the audits are mandated by a cognizant federal audit agency, shall be charged to the audited agency when the costs may be charged against Federal Funds. The Auditor of Public Accounts is authorized to increase the audit fees for conducting county audits if additional revenues are needed to continue the operation of the office. The Auditor of Public Accounts shall maintain a record of all costs and expenditures associated with this provision.

Each quarter, the Auditor of Public Accounts shall notify the Finance and Administration Cabinet concerning the collection status of the fees charged for county audits. If a county government is delinquent in its payment to the Auditor of Public Accounts, the Finance and Administration Cabinet shall withhold any moneys due that county government for the term of 120 days or until the Auditor of Public Accounts has received full payment from the county. The Auditor of Public Accounts is authorized to increase the audit fees for conducting county audits if additional revenues are needed to continue the operations of the office.

The "Single Audit Act of 1984" and the "Single Audit Act Amendments of 1996" (OMB Circular No. A-133) have changed the method by which federal moneys to state agencies are audited. As a result of this federal change, the Auditor of Public Accounts is budgeted to receive additional Agency Receipts which shall be allotted by the Governor's Office for Policy and Management for programs authorized in the enacted budget for the Auditor of Public Accounts by the 2004 General Assembly, subject to the conditions and procedures provided in this Act.

Any expenses incurred by the Auditor of Public Accounts for auditing a state or local government agency or other entity upon its request, or for performing an audit required by statute unless the audit is required by those standards governing the audit of the Commonwealth's Comprehensive Financial Report or the provisions contained in the "Single Audit Act of 1984" and the "Single Audit Act Amendments of 1996," shall be charged to the agency or entity audited.

Any expense incurred by the Auditor of Public Accounts for auditing individual governmental entities shall be charged to the agency receiving audit services when expenses are mutually agreed upon or when a legislatively mandated study by the Auditor of Public Accounts has determined the need for the audit.

20. PERSONNEL BOARD

	2004-05	**2005-06**
General Fund	543,500	543,500

(1) Administrative Hearings Notice: Notwithstanding KRS 13B.050(2), the Personnel Board shall send notices of administrative hearings by first-class mail.

21. KENTUCKY RETIREMENT SYSTEMS

	2004-05	**2005-06**
Restricted Funds	17,784,300	19,065,000

22. OCCUPATIONAL AND PROFESSIONAL BOARDS AND COMMISSIONS

a. Accountancy

	2004-05	**2005-06**
Restricted Funds	571,200	604,000

b. Certification of Alcohol and Drug Counselors

	2004-05	**2005-06**
Restricted Funds	65,200	67,200

c. Architects

	2004-05	**2005-06**
Restricted Funds	262,500	265,000

d. Certification for Professional Art Therapists

	2004-05	**2005-06**
Restricted Funds	11,400	11,400

e. Auctioneers

	2004-05	**2005-06**
Restricted Funds	398,800	397,300

f. Barbering

	2004-05	**2005-06**
Restricted Funds	230,300	236,600

g. Chiropractic Examiners

	2004-05	**2005-06**
Restricted Funds	194,400	200,500

h. Dentistry

	2004-05	2005-06
Restricted Funds	613,800	618,200

i. Licensure and Certification for Dietitians and Nutritionists

	2004-05	2005-06
Restricted Funds	74,500	77,500

j. Embalmers and Funeral Directors

	2004-05	2005-06
Restricted Funds	249,100	249,100

k. Licensure for Professional Engineers and Land Surveyors

	2004-05	2005-06
Restricted Funds	1,363,600	1,379,400

l. Certification of Fee-Based Pastoral Counselors

	2004-05	2005-06
Restricted Funds	7,500	7,500

m. Registration for Professional Geologists

	2004-05	2005-06
Restricted Funds	135,000	135,000

n. Hairdressers and Cosmetologists

	2004-05	2005-06
Restricted Funds	673,800	713,500

o. Specialists in Hearing Instruments

	2004-05	2005-06
Restricted Funds	51,500	55,200

p. Interpreters for the Deaf and Hard of Hearing

	2004-05	2005-06
Restricted Funds	31,000	31,000

q. Examiners and Registration of Landscape Architects

	2004-05	2005-06
Restricted Funds	58,500	58,600

r. Licensure of Marriage and Family Therapists

	2004-05	2005-06
Restricted Funds	83,200	83,200

s. Medical Licensure

	2004-05	2005-06
Restricted Funds	2,110,900	2,119,900

t. Nursing

	2004-05	2005-06
Restricted Funds	4,705,300	4,674,200

u. Licensure for Nursing Home Administrators

	2004-05	2005-06
Restricted Funds	76,200	76,200

v. Licensure for Occupational Therapy

	2004-05	2005-06
Restricted Funds	86,000	86,000

w. Ophthalmic Dispensers

	2004-05	2005-06
Restricted Funds	62,900	62,900

x. **Optometric Examiners**

	2004-05	2005-06
Restricted Funds	159,700	164,100

y. **Pharmacy**

	2004-05	2005-06
Restricted Funds	883,200	896,700

z. **Physical Therapy**

	2004-05	2005-06
Restricted Funds	263,100	264,700

aa. **Podiatry**

	2004-05	2005-06
Restricted Funds	21,100	21,700

ab. **Private Investigators**

	2004-05	2005-06
Restricted Funds	63,500	64,200

ac. **Licensed Professional Counselors**

	2004-05	2005-06
Restricted Funds	53,700	56,200

ad. **Proprietary Education**

	2004-05	2005-06
Restricted Funds	144,300	149,300

ae. **Examiners of Psychology**

	2004-05	2005-06
Restricted Funds	176,100	176,100

af. **Real Estate Appraisers Board**

	2004-05	2005-06
Restricted Funds	578,400	589,000

ag. **Real Estate Commission**

	2004-05	2005-06
Restricted Funds	2,251,100	2,179,400

ah. **Respiratory Care**

	2004-05	2005-06
Restricted Funds	132,700	139,600

ai. **Social Work**

	2004-05	2005-06
Restricted Funds	145,300	145,300

aj. **Speech-Language Pathology and Audiology**

	2004-05	2005-06
Restricted Funds	89,000	92,000

ak. **Veterinary Examiners**

	2004-05	2005-06
Restricted Funds	237,800	237,800

TOTAL - OCCUPATIONAL AND PROFESSIONAL BOARDS AND COMMISSIONS

	2004-05	2005-06
Restricted Funds	17,315,600	17,385,500

23. EMERGENCY MEDICAL SERVICES

	2003-04	2004-05	2005-06
General Fund	-0-	2,391,600	2,391,600

Restricted Funds	23,900	171,700	171,700
Federal Funds	313,200	436,500	436,500
TOTAL	337,100	2,999,800	2,999,800

(1) **Current Year Appropriations:** Included in the above Restricted Funds appropriation is $23,900 in fiscal year 2003-2004 and included in the above Federal Funds appropriation is $313,200 in fiscal year 2003-2004 for the ambulance grant fund program.

24. GOVERNMENTAL SERVICES CENTER

	2004-05	**2005-06**
Restricted Funds	1,467,200	1,494,000

25. KENTUCKY RIVER AUTHORITY

	2004-05	**2005-06**
General Fund	369,500	369,500
Restricted Funds	5,372,800	1,582,200
TOTAL	5,742,300	1,951,700

(1) **Kentucky River Water Storage Enhancement Project:** Included in the fiscal year 2005-2006 Restricted Funds appropriation is $174,000 for debt service to support $1,773,000 in new agency bonds as set forth in Part II of this Act.

(2) **Water Withdrawal Fees:** The water withdrawal fees imposed by the Kentucky River Authority shall not be subject to state and local taxes. Notwithstanding that portion of the provision of KRS 151.710(10) that directs the Finance and Administration Cabinet to provide administrative services for the Kentucky River Authority, Tier I water withdrawal fees shall be used to support the operations of the Authority and for contractual services for water supply and quality studies.

(3) **Authorization of Additional Interim Positions:** The Kentucky River Authority is authorized to hire two additional interim positions to assist with the operations of the locks and dams.

26. MISCELLANEOUS APPROPRIATIONS

(1) **Funding Sources for Miscellaneous Appropriations:** Funds required to pay the costs of items included within the Miscellaneous Appropriations category are appropriated, and any required expenditure over the above amounts is to be paid first from the General Fund Surplus Account (KRS 48.700) if available or from any available balance in either the Judgments budget unit appropriation or the Budget Reserve Trust Fund Account (KRS 48.705), subject to the conditions and procedures provided in this Act.

a. **Judgments**

	2004-05	**2005-06**
General Fund	-0-	5,877,100

(1) **Payment of Judgments and Carry Forward of General Fund Appropriations:** The above appropriation is for the payment of judgments as may be rendered against the Commonwealth by courts and orders of the State Personnel Board and, where applicable, shall be subject to the provisions of KRS Chapter 45, and for the payment of medical malpractice judgments against the University of Kentucky and the University of Louisville in accordance with KRS 164.892 and 164.941. Notwithstanding KRS 45.229, any remaining appropriation in the Judgments account at the end of fiscal year 2003-2004 or fiscal year 2004-2005 shall not lapse but shall be carried forward into fiscal years 2004-2005 and 2005-2006, respectively.

(2) **Kentucky Kare Health Insurance Claims:** Any claims presented that are a legal obligation of the Kentucky Kare Health Insurance Fund are deemed to be necessary governmental expenses and are to be paid first from the General Fund Surplus Account (KRS 48.700), if available, or from any available balance in either the Judgments budget unit appropriation or the Budget Reserve Trust Fund Account (KRS 48.705), subject to the conditions and procedures provided in this Act.

b. **Attorney General Expense**

	2004-05	**2005-06**
General Fund	225,000	225,000

c. **Board of Claims Awards**

	2004-05	**2005-06**
General Fund	1,000,000	1,000,000

(1) **Repayment of Awards or Judgments:** Funds are appropriated from the General Fund for the repayment of awards or judgments made by the Board of Claims against departments, boards, commissions, and other agencies maintained by appropriations out of the General Fund. However, awards under $2,500 shall be paid from funds available for the operations of the agency.

d. **Guardian Ad Litem**

	2004-05	**2005-06**

General Fund	3,700,000	3,700,000

(1) Fees: Included in the above appropriation is funding for fees to be paid to each guardian ad litem appointed by the court pursuant to KRS 311.732. The fee shall be fixed by the court and shall not exceed $500.

e. Prior Year Claims

	2004-05	2005-06
General Fund	400,000	400,000

f. Unredeemed Checks Refunded

	2004-05	2005-06
General Fund	2,300,000	2,300,000

(1) Reissuance of Uncashed Checks: Checks written by the State Treasurer and not cashed within the statutory period may be presented to the State Treasurer for reissuance in accordance with KRS 41.370.

g. Involuntary Commitments to an Intermediate Care Facility for the Mentally Retarded (ICF/MR)

	2004-05	2005-06
General Fund	60,000	60,000

h. Payments to Frankfort in Lieu of Taxes

	2004-05	2005-06
General Fund	195,000	195,000

i. Frankfort Cemetery

	2004-05	2005-06
General Fund	2,500	2,500

j. Police Officers and Firefighters - Life Insurance

	2004-05	2005-06
General Fund	250,000	250,000

(1) Payment of Benefits: Funds are appropriated for payment of benefits for state and local police officers and firefighters in accordance with KRS 61.315 and 95A.070.

k. Master Commissioners - Employers Retirement

	2004-05	2005-06
General Fund	-0-	-0-

(1) Master Commissioners Benefits: The Employer's share of retirement benefits for the Master Commissioners shall be paid from appropriations of the Judicial Branch, Court Operations and Administration budget unit.

l. Master Commissioners - Social Security

	2004-05	2005-06
General Fund	-0-	-0-

(1) Master Commissioners Benefits: The Employer's share of Social Security benefits for the Master Commissioners shall be paid from appropriations of the Judicial Branch, Court Operations and Administration budget unit.

m. Medical Malpractice Liability Insurance Reimbursements

	2004-05	2005-06
General Fund	185,000	185,000

n. Blanket Employee Bonds

	2004-05	2005-06
General Fund	100,000	100,000

o. Necessary Government Expenses

	2004-05	2005-06
General Fund	-0-	-0-

TOTAL - MISCELLANEOUS APPROPRIATIONS

	2004-05	2005-06
General Fund	8,417,500	14,294,600

TOTAL - GENERAL GOVERNMENT

	2003-04	2004-05	2005-06
General Fund (Tobacco)	-0-	39,100,800	39,007,400

General Fund	25,000	227,007,700	252,850,900
Restricted Funds	5,970,200	187,287,300	189,145,700
Federal Funds	2,041,800	179,326,500	173,925,600
Road Fund	-0-	250,000	250,000
TOTAL	8,037,000	632,972,300	655,179,600

B. COMMERCE CABINET

Budget Units

1. OFFICE OF THE SECRETARY

	2004-05	2005-06
General Fund	2,021,400	2,021,400
Restricted Funds	700,000	400,000
TOTAL	2,721,400	2,421,400

(1) **Kentucky Coal Council and Coal Marketing and Export Council:** Notwithstanding KRS 42.4588 and 132.020(9), funds totaling $700,000 in fiscal year 2004-2005 and $400,000 in fiscal year 2005-2006 shall be transferred from the Local Government Economic Development Fund to the Kentucky Coal Council. In fiscal year 2004-2005, the Kentucky Coal Council shall transfer $300,000 to the Department of Mining and Engineering in the University of Kentucky for use as an initiative to secure federal grant money for a coal waste impoundment research initiative. The research shall focus on areas of inquiry identified by the National Research Council Committee on Coal Waste Impoundments in its report *Coal Waste Impoundments: Risks, Responses, and Alternatives.*

2. ARTISANS CENTER

	2004-05	2005-06
General Fund	273,800	273,800
Restricted Funds	1,297,600	1,297,600
TOTAL	1,571,400	1,571,400

3. BREAKS INTERSTATE PARK

	2004-05	2005-06
General Fund	191,100	191,100

4. TRAVEL

	2004-05	2005-06
General Fund	6,329,400	6,329,400
Restricted Funds	2,000,000	-0-
TOTAL	8,329,400	6,329,400

(1) **Tourism Marketing and Development:** Included in the above Restricted Funds appropriation is $2,000,000 in fiscal year 2004-2005 for Tourism Marketing and Development on behalf of the coal producing counties from the Local Government Economic Development Fund Multi-County Fund.

5. PARKS

	2004-05	2005-06
General Fund	28,713,100	32,528,100
Restricted Funds	55,428,300	58,506,800
TOTAL	84,141,400	91,034,900

(1) **Park Capital Maintenance and Renovation Fund:** Notwithstanding KRS 148.800, 148.805, and 148.810 or any other statute or provision of law to the contrary, the General Assembly authorizes the use of the Park Capital Maintenance and Renovation Fund for any ongoing cost of the Department of Parks.

(2) **Debt Service:** Included in the above General Fund appropriation is $3,815,000 in fiscal year 2005-2006 for debt service for new bonds as set forth in Part II of this Act.

(3) **Craft Sales in Park Gift Shops:** Notwithstanding KRS 11A.040 and 45.340, crafts persons employed and juried by Fort Boonesborough State Park and Old Fort Harrod State Park may sell craft items they make to the state park at which they are employed for resale in its gift shop.

6. KENTUCKY HORSE PARK COMMISSION

	2003-04	2004-05	2005-06
General Fund	550,000	1,621,200	1,621,200

Restricted Funds	-0-	5,722,800	5,729,000
TOTAL	550,000	7,344,000	7,350,200

(1) **Current Year Appropriation:** Included in the above General Fund appropriation is $550,000 in fiscal year 2003-2004 to support ongoing costs at the Kentucky Horse Park.

7. STATE FAIR BOARD

	2004-05	**2005-06**
General Fund	396,800	2,780,300
Restricted Funds	35,003,200	36,170,500
TOTAL	35,400,000	38,950,800

(1) **Debt Service:** Included in the above Restricted Funds appropriation is $4,012,300 in fiscal year 2004-2005 and $4,012,900 in fiscal year 2005-2006 for previously issued bonds. Also included in the above General Fund appropriation is $2,383,500 in fiscal year 2005-2006 for debt service for new bonds as set forth in Part II of this Act.

(2) **Maintenance Projects:** In accordance with KRS 247.190, the Kentucky State Fair Board is authorized to expend available agency revenue receipts to complete regular or ongoing maintenance projects.

8. FISH AND WILDLIFE RESOURCES

	2004-05	**2005-06**
Restricted Funds	27,941,700	27,941,700
Federal Funds	10,830,000	10,864,000
TOTAL	38,771,700	38,805,700

9. KENTUCKY HISTORICAL SOCIETY

	2004-05	**2005-06**
General Fund	5,871,800	5,871,800
Restricted Funds	633,800	727,300
Federal Funds	342,000	325,000
TOTAL	6,847,600	6,924,100

(1) **Memorial to Captain Jack Hart**: The Kentucky Historical Society is authorized, notwithstanding any provisions of KRS Chapter 45A to the contrary, to carry out the provisions of 2004 SR 191 related to the purchase of a Kentucky Long Rifle in honor and on behalf of Captain Jack Hart. Funds for this purchase shall be provided from the General Fund Surplus Account.

10. ARTS COUNCIL

	2004-05	**2005-06**
General Fund	4,210,900	4,210,900
Restricted Funds	755,500	553,500
Federal Funds	691,000	685,500
TOTAL	5,657,400	5,449,900

(1) **Open Meetings:** Any entity involved in producing or financing arts on a local or statewide basis, which receives funds from the Kentucky Arts Council or from grants from local governmental authorities, shall be required to conduct its business as a public agency pursuant to KRS 61.800 to 61.850 and KRS 61.870 to 61.884.

11. HERITAGE COUNCIL

	2004-05	**2005-06**
General Fund	888,800	888,800
Restricted Funds	366,500	368,600
Federal Funds	587,800	587,800
TOTAL	1,843,100	1,845,200

(1) **Tax Credit Pilot Project**: Notwithstanding KRS 141.020 and 141.040, there is provided a nonrefundable tax credit equal to 20 percent of the restoration and rehabilitation costs for projects located in restoration zones as approved by the Heritage Council. The tax credit limit per project shall be set at $100,000 for commercial projects, $60,000 for owner-occupied residential projects, and $10,000 for infill development projects. The credit may be transferred or assigned with some or no consideration, along with any related benefits, rights, responsibilities, and liabilities. If the taxpayer is a pass-through entity, the tax credit shall pass through in the same proportion as the distributive share of income or loss is passed through. The Council shall implement a pilot project in rural and urban areas of Kenton and Campbell Counties, to initiate tax credit incentives to total $500,000 or less in fiscal year 2005-2006. Qualified and documented projects shall be approved on a first-come, first-served basis until the appropriated cap for the pilot project has been committed. The Council's responsibilities shall include but not be limited

to advising applicants, reviewing restoration proposals, certifying restoration zones, developing standards for the operation and administration of the project, and reporting to the Legislative Research Commission by December 31, 2006. The provisions of this section shall apply for tax years beginning after December 31, 2003.

12. KENTUCKY CENTER FOR THE ARTS

	2004-05	2005-06
General Fund	1,138,600	550,000

(1) Operating Budget: Funds totaling $588,600 in fiscal year 2004-2005 are being redirected to provide for capital maintenance and repair projects at the Center.

TOTAL -COMMERCE CABINET

	2003-04	2004-05	2005-06
General Fund	550,000	51,656,900	57,266,800
Restricted Funds	-0-	129,849,400	131,695,000
Federal Funds	-0-	12,450,800	12,462,300
TOTAL	550,000	193,957,100	201,424,100

C. ECONOMIC DEVELOPMENT CABINET

Budget Units

1. OFFICE OF THE SECRETARY

	2003-04	2004-05	2005-06
General Fund -0-	8,998,500	9,548,400	
Restricted Funds	1,342,300	2,366,600	1,704,800
TOTAL	1,342,300	11,365,100	11,253,200

(1) Current Year Appropriation: Included in the above Restricted Funds appropriation is $1,342,300 in fiscal year 2003-2004 to support current year operating expenses in the Office for the New Economy.

(2) East Kentucky Jobs Creation Corporation, West Kentucky Jobs Creation Corporation, and Regional Development Office: Included in the above Restricted Funds appropriation is $467,000 in fiscal year 2004-2005 and $467,000 in fiscal year 2005-2006 for the West Kentucky Jobs Creation Corporation. Included in the above Restricted Funds appropriation is $467,000 in fiscal year 2004-2005 and $467,000 in fiscal year 2005-2006 for the East Kentucky Jobs Creation Corporation. Also included in the above General Fund appropriation is $755,400 in fiscal year 2004-2005 and $768,500 in fiscal year 2005-2006 for the Department for Regional Development. Notwithstanding KRS 42.4592, the General Fund appropriations for the Department for Regional Development shall be funded from the Local Government Economic Development Fund prior to any other statutory distribution from the Local Government Economic Development Fund.

(3) Kentucky Technology Service Grant: Included in the above Restricted Funds appropriation is $300,000 in fiscal year 2004-2005 and $150,000 in fiscal year 2005-2006 for the Kentucky Technology Service Grant administered by the Kentucky Manufacturing Assistance Center. Included in the above General Fund appropriation is $150,000 in fiscal year 2005-2006 for the Kentucky Technology.Service Grant.

(4) Louisville Waterfront Development Corporation: Included in the above Restricted Funds appropriation is $420,800 in fiscal year 2004-2005 and $420,800 in fiscal year 2005-2006 for the Louisville Waterfront Development Corporation.

(5) Office of the Commissioner for the New Economy: Included in the above Restricted Funds appropriation is $1,511,800 in fiscal year 2004-2005 for the Office of the Commissioner for the New Economy. Also included in the above General Fund appropriation is $3,367,600 in fiscal year 2004-2005 and $3,879,400 in fiscal year 2005-2006. A portion of these funds will be used for the Innovation and Commercialization Centers grant of $1,400,000 in each year of the biennium administered by the Kentucky Science and Technology Corporation.

(6) New Economy High-Tech Construction and High-Tech Investment Pools: Included in the above General Fund appropriation is $3,625,000 in fiscal year 2004-2005 and $3,500,000 in fiscal year 2005-2006 for the New Economy High-Tech Construction and High-Tech Investment Pools. Notwithstanding KRS 42.4592, the General Fund appropriation for the Office for the New Economy shall be funded from the Local Government Economic Development Fund prior to any statutory distribution from the Local Government Economic Development Fund. The Commissioner of the Office for the New Economy shall determine the amounts to be apportioned between the High-Tech Investment and High-Tech Construction Pools.

(7) Funding for the Office for the New Economy: Notwithstanding Subchapter 20 of KRS Chapter 154, interest income earned on balances in the High-Technology Construction Pool and the High-Technology Investment Pool shall be used to support the Office for the New Economy within the Department of Economic Development. Upon the recommendation of the Commissioner, these funds are authorized and appropriated to fund High-Technology Construction/Investment Pool projects. Loan repayments received by the High-Technology Construction and High-Technology Investment Pools are appropriated in addition to amounts specified in Part II, Capital Projects Budget, of this Act.

(8) Funding Allocation Approval: Notwithstanding KRS 154.12-278(3)(j), all allocations of funding by the Office for the New Economy shall be submitted to the Kentucky Economic Development Finance Authority for its review and approval.

(9) **Kentucky Science and Technology Corporation:** Notwithstanding KRS 164.6017, the Kentucky Science and Technology Corporation shall submit an annual plan dealing with the allocation of funds from the Science and Technology Funding Program, excluding funds for the Knowledge-Based Economy Academic Programs, for review and approval by the Council on Postsecondary Education and the Office for the New Economy prior to the Council on Postsecondary Education executing a contract with the Corporation to administer Science and Technology Funding Programs.

(10) **Federal Research Laboratory:** Agencies within state government, including but not limited to the Economic Development Cabinet, the Council on Postsecondary Education, the Office of the Governor, and the state postsecondary institutions shall provide technical assistance and pool resources as necessary for the purpose of recruiting a federal research laboratory to the Commonwealth. The Office for the New Economy shall serve as the central point of contact and coordination for this effort. Allocations of funding for the federal research laboratory shall not exceed $1,000,000.

(11) **Bluegrass State Skills:** Notwithstanding any statutory or regulatory restrictions to the contrary, any debt approved and funded by the Bluegrass State Skills Corporation or the Kentucky Economic Development Finance Authority may be renegotiated, amended, or forgiven with approval of their respective Boards. Any debt collected on behalf of the Kentucky Economic Development Finance Authority or Bluegrass State Skills Corporation shall be returned to them subject to any reasonable fees due for services rendered by other agencies or private vendors in collecting the aforesaid debt on their behalf, and shall not be deemed General Funds.

2. ADMINISTRATION AND SUPPORT

	2004-05	2005-06
General Fund	1,944,700	1,944,700
Restricted Funds	-0-	9,600
TOTAL	1,944,700	1,954,300

3. BUSINESS DEVELOPMENT

	2003-04	2004-05	2005-06
General Fund	-0-	2,093,600	2,093,600
Restricted Funds	110,000	366,800	580,000
TOTAL	110,000	2,460,400	2,673,600

(1) **Current Year Appropriation:** Included in the above Restricted Funds appropriation is $110,000 in fiscal year 2003-2004 to support personnel and operating expenses.

4. FINANCIAL INCENTIVES

	2004-05	2005-06
General Fund	3,327,600	4,520,100
Restricted Funds	2,240,300	2,266,700
TOTAL	5,567,900	6,786,800

(1) **Debt Service:** Included in the above General Fund appropriation is $1,192,500 in fiscal year 2005-2006 for debt service to support new bonds as set forth in Part II of this Act.

(2) **Carry Forward of General Fund Appropriations and Bluegrass State Skills Corporation Training Grant Offers:** Notwithstanding KRS 45.229, the General Fund appropriations for fiscal year 2003-2004 and for fiscal year 2004-2005 for the Bluegrass State Skills Corporation shall be continued and not lapse to the General Fund Surplus Account. The Corporation is authorized to extend an additional $1,500,000 in training grant offers during the 2004-2006 biennium. In the event that such offers are made, and that disbursements are required to support those offers, funds shall be appropriated from the General Fund Surplus Account in an amount not to exceed $1,500,000.

(3) **Lapse of Special Revenue Fund Accounts:** Balances remaining in the Special Revenue Fund accounts after all appropriations authorized in this bill are funded shall lapse to the Statewide Deferred Maintenance Fund account at the end of each fiscal year.

(4) **Kentucky Investment Fund Act Investments:** Notwithstanding KRS 154.20-254, 154.20-255, and 154.20-258, an investment fund approved by the Kentucky Economic Development Finance Authority (KEDFA) after July 1, 2004, and otherwise qualified for tax credits pursuant to the Kentucky Investment Fund Act (KIFA) as set forth in KRS 154.20-250 to 154.20-284, may invest up to 100 percent of its committed cash contributions in a single knowledge-based entity. A city, county, or other local government entity may invest in an investment fund created for this purpose and may transfer, for some or no consideration, any or all of the tax credits it received pursuant to KIFA to a private entity. The Kentucky Economic Development Finance Authority shall have discretion to approve or deny applications for entities seeking credits pursuant to this provision.

(5) **Availability of Funds:** State funds appropriated in this Act for the purpose of the Airport Relocation Assistance project in Louisville, Kentucky, shall not be expended until any available Federal Funds for this purpose have been exhausted, unless expenditure of state funds is required to secure the Federal Funds.

5. **COMMUNITY DEVELOPMENT**

	2004-05	2005-06
General Fund	2,652,300	2,652,300
Restricted Funds	438,600	440,600
Federal Funds	155,400	155,400
TOTAL	3,246,300	3,248,300

TOTAL - ECONOMIC DEVELOPMENT CABINET

	2003-04	2004-05	2005-06
General Fund	-0-	19,016,700	20,759,100
Restricted Funds	1,452,300	5,412,300	5,001,700
Federal Funds	-0-	155,400	155,400
TOTAL	1,452,300	24,584,400	25,916,200

D. DEPARTMENT OF EDUCATION

Budget Units

1. **EXECUTIVE POLICY AND MANAGEMENT**

	2004-05	2005-06
General Fund	687,900	687,900

(1) **Employment of Personnel:** Notwithstanding KRS 18A.115, the Department of Education may fill, through memoranda of agreement, not more than 50 percent of its existing authorized positions below the division director level with individuals employed as school administrators and educators in Kentucky.

(2) **Employment of Leadership Personnel:** Notwithstanding KRS 18A.005 to 18A.200, the Kentucky Board of Education shall continue to have sole authority to determine the employees of the Department of Education who are exempt from the classified service and to set their compensation comparable to the competitive market.

(3) **Medicaid Reimbursement Funds:** The Department of Education is authorized to implement a strategy, in conjunction with local school districts and the Department for Medicaid Services within the Cabinet for Health Services, to maximize federal reimbursement under the Medicaid Program for Medicaid eligible administrative functions performed by elementary and secondary school faculty, staff, and administrators. Any increase in federal reimbursement attributable to such a strategy shall not be expended by the Department of Education or Cabinet for Health Services, Department for Medicaid Services, prior to review and approval by the Governor's Office of Policy and Management and submission to the Interim Joint Committee on Appropriations and Revenue at least 60 days prior to any distribution of Federal Funds.

2. **OPERATIONS AND SUPPORT SERVICES**

	2004-05	2005-06
General Fund	10,688,600	10,805,400
Restricted Funds	2,886,400	2,354,400
Federal Funds	27,800	27,800
TOTAL	13,602,800	13,187,600

(1) **Teachers' Retirement System Employer Match:** Included in the above General Fund appropriation is $2,531,700 in fiscal year 2004-2005 and $2,607,800 in fiscal year 2005-2006 to enable the Department of Education to provide the employer match for the teacher retirement contribution for qualified employees as provided by KRS 161.550.

(2) **Debt Service:** Included in the above General Fund appropriation in fiscal year 2005-2006 is $168,000 to provide for debt service for new bonds as set forth in Part II of this Act.

(3) **Medical Insurance Fund:** No funds are provided in the above appropriations for the employer contributions to the medical insurance fund established in 2004 House Bill 434 in fiscal year 2004-2005 and fiscal year 2005-2006.

3. **LEARNING AND RESULTS SERVICES**

	2004-05	2005-06
General Fund (Tobacco)	1,888,400	1,888,400
General Fund	594,139,600	608,858,800
Restricted Funds	1,896,400	1,801,200
Federal Funds	525,614,200	525,773,100
TOTAL	1,123,538,600	1,138,321,500

(1) **Education Technology Escrow Account:** Included in the above General Fund appropriation is $18,108,700 in

fiscal year 2004-2005 and $18,108,700 in fiscal year 2005-2006 for the education technology escrow account.

(2) Education of State Agency Children: Included in the above General Fund appropriation is $10,462,100 in fiscal year 2004-2005 and $10,462,100 in fiscal year 2005-2006 for reimbursement to local school districts for the education of state agency children as defined by KRS 158.135.

(3) Funding for Employee Health and Life Insurance and Carry Forward of General Fund Appropriations: Included in the above General Fund appropriation is $308,016,600 in fiscal year 2004-2005 and $321,571,800 in fiscal year 2005-2006 to provide health insurance and life insurance coverage for employees of local school districts.

If the costs for health insurance or life insurance coverage for employees of local school districts exceed the levels of appropriated funds, any unexpended Support Education Excellence in Kentucky appropriations may be used to offset the unbudgeted costs. Any transfer shall be subject to approval of the Governor upon the written recommendation of the Secretary of the Finance and Administration Cabinet pursuant to the written request of the Commissioner of Education. The per month per employee administrative assessment as contained in Appendix B of the budget instructions as promulgated by the Legislative Research Commission and communicated to agencies by the Office of State Budget Director shall be remitted to the Department of Personnel by the Department of Education from the General Fund appropriation for local school district health and life insurance.

(4) Kentucky School for the Blind and Kentucky School for the Deaf: Included in the above General Fund appropriation is $5,835,600 in fiscal year 2004-2005 and $5,835,600 in fiscal year 2005-2006 for the Kentucky School for the Blind, and $8,430,300 in fiscal year 2004-2005 and $8,430,300 in fiscal year 2005-2006 for the Kentucky School for the Deaf.

(5) Kentucky Education Technology System:

(a) Area Vocational Education Centers shall be fully eligible to participate in the Kentucky Education Technology System. Notwithstanding KRS 157.650, 157.655, 157.660, and 157.665, the School Facilities Construction Commission, in consultation with the Kentucky Board of Education and the Department of Education, shall develop administrative regulations which identify a methodology by which the average daily attendance for Area Vocational Education Centers may be equated to the average daily attendance of other local school districts in order that they may receive their respective distributions of these funds.

(b) The School for the Deaf and the School for the Blind shall be fully eligible, along with local school districts, to participate in the Kentucky Education Technology System in a manner that takes into account the special needs of the students of these two schools.

(6) Family Resource and Youth Services Centers: Funds appropriated to establish and support Family Resource and Youth Services Centers shall be transferred in fiscal year 2004-2005 and in fiscal year 2005-2006 to the Health and Family Services Cabinet consistent with the intent of KRS 156.497. The Health and Family Services Cabinet is authorized to use, for administrative purposes, no more than three percent of the total funds transferred from the Department of Education for the Family Resource and Youth Services Centers. If a certified person is employed as a director or coordinator of a Family Resource or Youth Services Center, that person shall retain his or her status as a certified employee of the school district.

If 70 percent or more of the funding level provided by the state is utilized to support the salary of the director of a center, that center shall provide a report to the Health and Family Services Cabinet identifying the salary of the director. The Health and Family Services Cabinet shall transmit any reports received from Family Resource and Youth Services Centers pursuant to this provision to the Legislative Research Commission.

(7) Area Centers and Vocational Departments Funding Formula: All funds appropriated in the budget for supplementing the programs and operations of the area centers and vocational departments of the following districts shall be distributed by a weighted formula that is promulgated in an administrative regulation by the Kentucky Board of Education: Allen County, Ballard County, Bowling Green Independent, Boyd County, Carter County, Christian County, Covington Independent, Edmonson County, Fayette County, Fleming County, Franklin County, Grayson County, Henderson County, Lawrence County, Lewis County, Livingston County, Magoffin County, Marshall County, McCreary County, Newport Independent, Powell County, Simpson County, Trigg County, Union County, and Jefferson County. The weighted formula shall take into consideration the different costs of programs based on requirements for facilities, materials, and equipment to meet program standards, the number of students enrolled, and the number of hours students are enrolled.

(8) Program Flexibility: Notwithstanding KRS 157.226(2) and (3), 157.3175(3) and (4), and 160.345(8) with regards to the state allocation, five programs (Professional Development, Extended School Services, Preschool, Textbooks, and Safe Schools) shall continue to permit the state and local school districts additional flexibility in the distribution of program funds while still addressing the governing statutes and serving the need and the intended student population.

(9) Local District Grant Fund Carry Forward: Notwithstanding KRS 45.229, up to ten percent of any non-SEEK state grant fund appropriated to the Department of Education and disbursed to a local district that is unexpended during fiscal year 2004-2005 may be carried forward to fiscal year 2005-2006.

(10) Highly Skilled Educators: Notwithstanding KRS 158.6455(3)(d), 158.782, and 160.350(3), the Kentucky Department of Education shall have the authority to expend moneys appropriated for the Highly Skilled Education Assistance Program on intervention services that may be required by the Federal No Child Left Behind Act of 2001 (Pub. L. 107-110).

(11) Commonwealth School Improvement Fund: Notwithstanding KRS 158.805, the Commissioner of Education shall be authorized to use the Commonwealth School Improvement Fund to provide support services to schools needing assistance under KRS 158.6455 or in order to meet the requirements of No Child Left Behind.

(12) **Allocation of Safe School Funds:** Notwithstanding KRS 158.446, of the moneys available to local school districts for the purposes of KRS 158.440, 158.441, 158.442, 158.445, and 158.446, each local school district shall receive a grant totaling $20,000 per year and the remainder of moneys shall be distributed to local school districts on a per pupil basis.

(13) **Funds Transfer:** The Commissioner of the Department of Education may transfer any available funds between the Professional Growth Fund and the Professional Development Leadership Mentor Fund as needed to satisfy the demand and need to support respective teacher programs.

(14) **Publishing Requirements:** Notwithstanding KRS 158.6453(7), 160.463, and 424.220, public availability of the school district's complete annual financial statement and the school report card shall be made by publishing the documents in the newspaper of the largest general circulation in the county, electronically on the Internet, or by printed copy at a prearranged site at the main branch of the public library within the school district. If publication on the Internet or by printed copy at the public library is chosen, the superintendent shall be directed to publish notification in the newspaper of the largest circulation in the county as to the location where the document can be viewed by the public. The notification shall include the address of the library or the electronic address of the Web site on the Internet where the documents can be viewed.

(15) **Surplus Property:** Notwithstanding KRS 45A.045, 45.777, and 56.463, any funds received by the Commonwealth from the disposal of any surplus property at the Kentucky School for the Blind and the Kentucky School for the Deaf shall be deposited in a restricted account and shall not be expended without appropriation authority granted by the General Assembly.

(16) **Jobs for Kentucky's Graduates:** Included in the above Federal Funds appropriation is $550,000 in fiscal year 2004-2005 and $550,000 in fiscal year 2005-2006 for the Jobs for Kentucky's Graduates Program. Any amount of these federal appropriations that is not realized in fiscal biennium 2004-2006 shall be deemed necessary governmental expenses and shall be paid from the General Fund Surplus Account (KRS 48.700) or the Budget Reserve Trust Fund Account (KRS 48.705).

4. SUPPORT EDUCATION EXCELLENCE IN KENTUCKY (SEEK) PROGRAM

	2004-05	**2005-06**
General Fund	2,411,658,300	2,538,237,800

(1) **Common School Fund Earnings:** Accumulated earnings for the Common School Fund shall be transferred in each fiscal year to the SEEK Program.

(2) **Base SEEK Allotments:** The above appropriations include $1,882,222,400 in fiscal year 2004-2005 and $1,998,985,000 in fiscal year 2005-2006 for the base SEEK Program as defined by KRS 157.360. Funds appropriated to the SEEK Program shall be allotted to school districts in accordance with KRS 157.310 to 157.440, except that the total of the funds allotted shall not exceed the appropriations for this purpose except as provided in this Act. Notwithstanding KRS 157.360(2)(c), included in the appropriation for the base SEEK Program is $211,953,500 in fiscal year 2004-2005 and $211,953,500 in fiscal year 2005-2006 for pupil transportation.

(3) **Tier I Component:** Included in the above appropriation is $142,264,900 in fiscal year 2004-2005 and $142,621,900 in fiscal year 2005-2006 for the Tier I component as established by KRS 157.440.

(4) **Vocational Transportation:** Included in the above appropriation is $2,416,900 in fiscal year 2004-2005 and $2,416,900 in fiscal year 2005-2006 for vocational transportation.

(5) **Secondary Vocational Education:** Included in the above appropriation is $21,952,600 in fiscal year 2004-2005 and $21,952,600 in fiscal year 2005-2006 to provide secondary vocational education in state-operated vocational schools.

(6) **Facilities Support Program of Kentucky/Equalized Growth Nickel:** Included in the above appropriation is $70,758,700 in fiscal year 2004-2005 and $65,939,700 in fiscal year 2005-2006 to provide facilities equalization funding pursuant to KRS 157.440 and 157.620. Included in the General Fund appropriations is $9,100,000 in fiscal year 2004-2005 and $8,000,000 in fiscal year 2005-2006 to provide facilities equalization funding for debt service, new facilities, and major renovations of existing facilities pursuant to KRS 157.440, 157.620, and 157.621(2) and (3) as provided for in section (13) of this budget unit regarding equalized growth nickel funding.

(7) **Teachers' Retirement System Employer Match:** Included in the above appropriation is $288,645,900 in fiscal year 2004-2005 and $303,123,500 in fiscal year 2005-2006 to enable local school districts to provide the employer match for qualified employees as provided for by KRS 161.550.

(8) **Salary Supplements for Nationally Certified Teachers:** Included in the above appropriation is $1,358,000 in fiscal year 2004-2005 and $1,358,000 in fiscal year 2005-2006 to assist local school districts in providing salary supplements for teachers attaining certification by the National Board of Professional Teaching Standards. Notwithstanding KRS 157.395, salary supplements shall be provided only for teachers attaining certification by the National Board of Professional Teaching Standards and for those teachers who have applied and successfully completed requirements for candidacy by February 1, 2004.

(9) **Allocation of SEEK Funds:** Notwithstanding KRS 157.360(2)(c), the General Fund appropriations to the base SEEK Program are intended to provide a base guarantee of $3,221 per student in average daily attendance in fiscal year 2004-2005 and $3,413 per student in average daily attendance in fiscal year 2005-2006 as well as to meet the other requirements of KRS 157.360.

Nothing in this legislation shall be construed as prohibiting the contracting out of pupil transportation services.

Funds appropriated to the SEEK Program shall be allotted to school districts in accordance with KRS 157.310 to 157.440, except that the total of the funds allotted shall not exceed the appropriations for this purpose except as provided in this Act. The total appropriation for the SEEK Program shall be measured by, or construed as, estimates of the state expenditures required by KRS 157.310 to 157.440. If the required expenditures exceed these estimates, the Secretary of the Finance and Administration Cabinet, upon the written request of the Commissioner of Education and with approval of the Governor, may increase the appropriation by such amount as may be available and necessary to meet, to the extent possible, the required expenditures under the cited sections of the Kentucky Revised Statutes, but any increase of the total appropriation to the SEEK Program is subject to Part III, General Provisions, of this Act, and the provisions of KRS Chapter 48. If funds appropriated to the SEEK Program are insufficient to provide the amount of money required under KRS 157.310 to 157.440, allotments to local school districts may be reduced in accordance with KRS 157.430.

(10) Certified Staff and Classified Staff Pay Increases: Notwithstanding KRS 157.420(2), all certified staff employed by local boards of education shall receive a cost-of-living adjustment of not less than two percent in fiscal year 2004-2005 and not less than three and one-half percent in fiscal year 2005-2006. The cost-of-living adjustments in the 2004-2006 biennium shall be in addition to the normal rank and step increases attained by certified personnel in local school districts. All classified staff employed by local boards of education shall receive a cost-of-living adjustment of not less than two percent in fiscal year 2004-2005 and not less than three and one-half percent in fiscal year 2005-2006. The cost-of-living adjustments in the 2004-2006 fiscal biennium shall be in addition to any salary increase an employee might obtain due to additional experience or job classification.

(11) Final SEEK Calculation: Notwithstanding KRS 157.410, on or before March 1 of each year the chief state school officer shall determine the exact amount of the public common school fund to which each district is entitled and the remainder of the amount due each district for the year shall be distributed in equal installments beginning the first month after completion of final calculation and for each successive month thereafter.

(12) SEEK Adjustment Factors: Funds allocated for the SEEK base and its adjustment factors that are not needed for the base or a particular adjustment factor may be allocated to other adjustment factors, if funds for that adjustment factor are not sufficient.

(13) Equalized Growth Nickel: Notwithstanding KRS 157.621(1), local school districts shall receive state equalization facilities funding up to the amounts available for this purpose on the existing additional tax levy pursuant to KRS 157.621, if they have: (a) Previously levied the additional tax pursuant to KRS 157.621 for debt service and new facilities prior to fiscal year 2003-2004; (b) Levied the five cents under the provisions of KRS 157.440; (c) Met the growth requirements in KRS 157.621(2) in fiscal year 2002-2003; and (d) Levied an additional nickel tax pursuant to KRS 157.621 in addition to (a) and (b) of this section.

(14) School Employee Flexible Spending Account Funds Transfer: Any funds remaining in flexible spending accounts of employees of local school districts for calendar year 2004 and calendar year 2005 shall also be transferred to the credit of the General Fund.

(15) Local Revenue: For calendar year 2004 and calendar year 2005, a district board of education may levy a general rate that will produce revenue from real property, exclusive of revenue from new property that is up to four percent over the amount of the revenue produced by the compensating rate as defined in KRS 132.010.

(16) Medical Insurance Fund: No funds are provided in the above appropriations for the employer contributions to the medical insurance fund established in 2004 House Bill 434 in fiscal year 2004-2005 and fiscal year 2005-2006.

(17) Equalized Facility Funding: Included in the above appropriation is $2,038,900 in fiscal year 2004-2005 and $1,840,200 in fiscal year 2005-2006 to provide equalized facility funding to districts meeting the following eligibility requirements. A local board of education that levied a tax rate subject to recall in fiscal year 2003-2004 in addition to the five cents levied pursuant to KRS 157.440(1)(b) and committed the receipts to debt service, new facilities or major renovations of existing school facilities shall be eligible for equalization funds from the state at 150 percent of the statewide average per pupil assessment. The equalization funds shall be used as provided in KRS 157.440(1)(b).

TOTAL - DEPARTMENT OF EDUCATION

	2004-05	2005-06
General Fund (Tobacco)	1,888,400	1,888,400
General Fund	3,017,174,400	3,158,589,900
Restricted Funds	4,782,800	4,155,600
Federal Funds	525,642,000	525,800,900
TOTAL	3,549,487,600	3,690,434,800

E. EDUCATION CABINET

Budget Units

1. GENERAL ADMINISTRATION AND PROGRAM SUPPORT

	2004-05	2005-06
General Fund	3,986,200	4,027,800
Restricted Funds	5,727,200	5,727,200

Federal Funds	185,000	190,000
TOTAL	9,898,400	9,945,000

(1) **Governor's Scholars Program:** Included in the above General Fund appropriation is $1,897,800 in fiscal year 2004-2005 and $1,939,400 in fiscal year 2005-2006 for the Governor's Scholars Program, of which $1,647,700 in fiscal year 2004-2005 and $1,684,100 in fiscal year 2005-2006 is for grant amounts.

2. DEAF AND HARD OF HEARING

	2004-05	**2005-06**
General Fund	821,100	821,100
Restricted Funds	252,000	252,000
TOTAL	1,073,100	1,073,100

3. KENTUCKY EDUCATIONAL TELEVISION

	2004-05	**2005-06**
General Fund	14,145,200	14,245,200
Restricted Funds	1,039,600	1,075,700
Federal Funds	700,000	700,000
TOTAL	15,884,800	16,020,900

(1) **Debt Service:** Included in the above General Fund appropriation is $100,000 in fiscal year 2005-2006 for debt service for new bonds as set forth in Part II of this Act.

4. ENVIRONMENTAL EDUCATION COUNCIL

	2004-05	**2005-06**
Restricted Funds	187,200	187,200

5. LIBRARIES AND ARCHIVES

a. General Operations

	2004-05	**2005-06**
General Fund	7,222,000	7,368,600
Restricted Funds	1,827,600	1,896,200
Federal Funds	1,950,100	1,955,300
TOTAL	10,999,700	11,220,100

(1) **Undistributed Moneys:** Notwithstanding KRS 48.005, undistributed moneys received by a result of litigation with book suppliers shall be appropriated to the Department for Libraries and Archives for the benefit of libraries in the Commonwealth.

b. Direct Local Aid

	2004-05	**2005-06**
General Fund	6,578,000	6,431,400
Restricted Funds	9,000	9,000
Federal Funds	424,000	424,000
TOTAL	7,011,000	6,864,400

(1) **Per Capita Grants:** Included in the above General Fund appropriation is $4,000,000 in each fiscal year to award per capita grants at the rate of $0.73.

(2) **Hold Harmless Provision**: Notwithstanding KRS 171.201, the allotment of General Fund dollars distributed to each local library district shall not be less than received in fiscal year 2003-2004.

TOTAL - DEPARTMENT FOR LIBRARIES AND ARCHIVES

	2004-05	**2005-06**
General Fund	13,800,000	13,800,000
Restricted Funds	1,836,600	1,905,200
Federal Funds	2,374,100	2,379,300
TOTAL	18,010,700	18,084,500

6. SCHOOL FACILITIES CONSTRUCTION COMMISSION

	2004-05	**2005-06**
General Fund	95,042,400	107,612,900

(1) **Debt Service:** Included in the above General Fund appropriation is $7,827,300 in fiscal year 2004-2005 and $15,623,700 in fiscal year 2005-2006 in additional General Fund moneys to: (a) Fulfill the commitment made by the 2000 Regular Session of the General Assembly for $100 million in bonded indebtedness for local school construction and renovation; (b) Fulfill the commitment made by the 2003 Regular Session of the General Assembly for an additional $100 million in bonded indebtedness for school construction and renovation; (c) Fulfill the commitment made by the 2003 Regular Session of the General Assembly to the Fayette County public school system for $4,600,000 in bonded indebtedness; and (d) Fulfill the commitment made by the 2003 Regular Session of the General Assembly for $110,000,000 in bonded indebtedness to address the needs of Category 5 (worst condition) schools.

(2) **Growth Nickel Levy:** The Facilities Support Program of Kentucky is fully funded in the 2004-2006 fiscal biennium. Notwithstanding KRS 157.621(3), local school districts may exercise authority expressed in KRS 157.621(1) and (2).

(3) **School Facility Revenue:** A local board of education may commit an equivalent tax rate not to exceed five cents in addition to the taxes levied in KRS 157.440(1)(b). Receipts from the levy shall be committed to debt service, new facilities, or major renovations of existing school facilities. The tax rate levied by the local board of education under this provision shall be made no later than October 1 of each odd-numbered year, and shall not be equalized with state funding. The levy shall be subject to recall.

(4) **Urgent Need School Trust Fund:** Included in the above appropriation is $4,768,600 in fiscal year 2005-2006 for debt service for $56,515,800 in new bonding authority as provided in Part II, Capital Projects Budget, to support the Urgent Need School Trust Fund. The Urgent Need School Trust Fund is established in the Finance and Administration Cabinet for the purpose of assisting school districts that have urgent and critical construction needs. The Urgent Need School Trust Fund shall be administered by the School Facilities Construction Commission. The fund may receive state appropriations, contributions, and grants from any source which shall be credited to the trust fund and invested until needed. All interest earned on the fund shall be retained in the trust fund. Notwithstanding KRS 45.229, moneys in the trust fund shall not lapse, but shall carry forward at the end of each fiscal year.

To be eligible to participate in the Urgent Need School Trust Fund Program in fiscal biennium 2004-2006, a local school district shall have a project that is: (a) Identified on the district's Facility Plan; (b) A "Category 5" school (poorest condition) in accordance with the Kentucky Department of Education's Building Assessment document of March 15, 2004; and (c) For a school with or including enrollment based on best practices outlined in 702 KAR 1:001, The Kentucky School Facilities Planning Manual.

The Kentucky Board of Education shall certify the eligibility of a school district to participate in the Urgent Need School Trust Fund Program to the School Facilities Construction Commission by June 15, 2004.

Debt service assistance to each district shall be determined by funding based on unmet need pursuant to KRS 157.620, calculated utilizing Cash Balances and Bonding Potential available for the project as of March 15, 2004. These offers shall be administered in accordance with 750 KAR 1:010 where not in conflict with the language in this section.

(5) **Category 5 Buildings:** Debt service assistance to each eligible district, as provided for in Part I, Operating Budget, of this Act, shall be determined by funding based on unmet need pursuant to KRS 157.620, calculated utilizing Cash Balances and Bonding Potential available for the project with the Kentucky Department of Education's Building Assessment document of March 4, 2003. These offers shall be administered in accordance with 750 KAR 1:010 where not in conflict with the language in this section.

(6) **Offers of Assistance:** Notwithstanding KRS 157.622, a local school district may accumulate credit, subject to the availability of funds, for its unused state allocation for a period not to exceed eight years.

(7) **Additional Offers of Assistance:** Notwithstanding any provisions of KRS 157.611 to 157.640, 157.650, 157.655, 157.660, or 157.665, the School Facilities Construction Commission is authorized to make an additional $43,484,200 in offers of assistance during fiscal year 2005-2006 in anticipation of debt service availability during the 2006-2008 biennium. No bonded indebtedness based on the above amount is to be incurred during the 2004-2006 biennium.

7. TEACHERS' RETIREMENT SYSTEM

	2004-05	**2005-06**
General Fund	106,790,800	120,830,500
Restricted Funds	8,147,900	8,613,500
TOTAL	114,938,700	129,444,000

(1) **State Retirement Obligations:** General Fund moneys are appropriated to comply with the obligations of the state under the Teachers' Retirement System statutes as provided in KRS 161.220 to 161.716 notwithstanding KRS 161.550.

(2) **Lapse of Excess General Fund Appropriations:** The above General Fund appropriation, in conjunction with those included elsewhere within this Act for the Teachers' Retirement System, is based upon estimated funds needed to meet the requirements of KRS 161.220 to 161.716, notwithstanding KRS 161.550. If these combined General Fund appropriations are in excess of these requirements, the excess funds shall lapse to the credit of the General Fund.

(3) **Administrative Costs:** In accordance with KRS 161.420, in each fiscal year an amount not greater than four percent of the receipts of the state accumulation fund shall be set aside into the expense fund or expended for the administration of

the retirement system. No General Fund moneys are provided in fiscal year 2004-2005 or fiscal year 2005-2006 for the cost of administration.

(4) **Amortization of Sick Leave:** Included in the above General Fund appropriation is $3,669,700 in fiscal year 2004-2005 and $8,009,200 in fiscal year 2005-2006 to provide the cost of amortizing the requirements of KRS 161.155 (sick leave) for members retiring during the 2004-2006 fiscal biennium.

(5) **Fiscal Year 2001-2002 and 2002-2003 Underappropriations:** Included in the above General Fund appropriation is $9,282,500 in fiscal year 2005-2006 to be applied toward underappropriations during fiscal year 2001-2002 and fiscal year 2002-2003, notwithstanding the provisions of KRS 161.550.

(6) **Highly Skilled Educators' Retirement Benefits:** Notwithstanding KRS Chapters 158 and 161, salary supplements received by persons selected as highly skilled educators on or after July 1, 2000, shall not be included in the total salary compensation for any retirement benefits to which the employee may be entitled.

(7) **Cost-of-Living Adjustments for Retirees:** Included in the above appropriation is $3,996,200 in fiscal year 2004-2005 and $7,706,900 in fiscal year 2005-2006 to provide, when combined with the annual one and one-half percent retirement allowance increase provided in KRS 161.620, a total increase in the retirement allowances of eligible system members and beneficiaries of two and three-tenths percent in fiscal year 2004-2005 and an additional two and two-tenths percent in fiscal year 2005-2006.

(8) **Medical Insurance Fund:** No funds are provided in the above appropriations for the employer contributions to the medical insurance fund established in 2004 House Bill 434 in fiscal year 2004-2005 and fiscal year 2005-2006.

8. DEPARTMENT FOR THE BLIND

	2004-05	**2005-06**
General Fund	1,290,300	1,306,300
Restricted Funds	1,847,200	1,833,900
Federal Funds	8,210,400	8,638,400
TOTAL	11,347,900	11,778,600

9. EMPLOYMENT SERVICES

	2004-05	**2005-06**
Restricted Funds	4,869,300	3,393,900
Federal Funds	733,305,800	734,092,000
TOTAL	738,175,100	737,485,900

(1) **Unemployment Insurance Penalty and Interest Account:** Notwithstanding KRS 341.835, funds in the amount of $2,700,000 from the Unemployment Insurance Penalty and Interest Account in the Unemployment Compensation Administration Fund shall be used during each fiscal year by the Department for Employment Services to operate employment, training, and unemployment insurance programs.

(2) **Administration Expenses:** In addition to supplementing the Unemployment Insurance Trust Fund, Federal Funds available to Kentucky as a result of the Reed Act distribution under Section 903(d) of the Federal Social Security Act, as amended, may be used for the administration of the unemployment compensation law and the public employment offices for costs allowable under the Unemployment Insurance and Wagner-Peyser Programs, subject to the provisions of KRS 48.630.

(3) **Facility Replacement and Renovation Program:** The General Assembly authorizes the Department for Employment Services to develop and implement a Facility Replacement and Renovation Program to improve the quality of facilities used by the Department and its clients, and to reduce departmental reliance on lease-rental properties.

Proceeds from the sale, transfer, or other disposition of existing facilities may be expended toward the purchase, construction, renovation, equipping, and furnishing of replacement facilities. Additionally, funds received from the Reed Act distribution under Section 903(d) of the Federal Social Security Act, as amended, may be used for the purpose of acquiring property and constructing a building and such improvements, facilities, paving, landscaping, and fixed equipment as may be required for use by the Education Cabinet. Expenditures authorized by this provision are limited to the use of funds derived from the sale of Cabinet-owned facilities, which equity rights are shared between both the state and national government, and funds received from the Reed Act distribution. Uses of Reed Act funds for these purposes are subject to the provisions of KRS 45.750 to 45.800 and 48.630.

10. TECHNICAL EDUCATION

	2004-05	**2005-06**
General Fund	25,298,700	26,098,700
Restricted Funds	20,232,800	19,970,500
Federal Funds	15,179,700	15,179,700
TOTAL	60,711,200	61,248,900

(1) **Participation in the Education Technology Program by Area Vocational Education Centers:** Area Vocational Education Centers shall be fully eligible to participate in the Kentucky Education Technology System. Notwithstanding KRS 157.650, 157.655, 157.660, and 157.665, the School Facilities Construction Commission, in consultation with the Kentucky Board of Education and the Department of Education, shall develop administrative regulations which identify a methodology by which the average daily attendance for Area Vocational Education Centers may be equated to the average daily attendance of other local school districts in order that they may receive their respective distributions of these funds. The School Facilities Construction Commission shall include Area Vocational Education Centers in any offers of assistance to local school districts for technology assistance during the 2004-2006 fiscal biennium.

11. TRAINING AND REEMPLOYMENT

	2004-05	2005-06
Restricted Funds	700	-0-
Federal Funds	64,231,800	64,345,200
TOTAL	64,232,500	64,345,200

12. VOCATIONAL REHABILITATION

	2003-04	2004-05	2005-06
General Fund	-0-	12,294,300	12,477,300
Restricted Funds	-0-	2,952,900	2,893,200
Federal Funds	7,000	45,513,000	47,194,000
TOTAL	7,000	60,760,200	62,564,500

(1) **Current Year Appropriation:** Included in the above Federal Funds appropriation is $7,000 in fiscal year 2003-2004 to continue current services.

(2) **Debt Service:** Included in the above General Fund appropriation is $119,100 in fiscal year 2005-2006 for debt service for new bonds as set forth in Part II of this Act.

13. EDUCATION PROFESSIONAL STANDARDS BOARD

	2004-05	2005-06
General Fund	9,870,800	10,312,000
Restricted Funds	829,600	829,600
Federal Funds	4,379,200	4,379,200
TOTAL	15,079,600	15,520,800

(1) **National Board of Teaching Standards Certification:** Notwithstanding KRS 161.134, up to $725,000 in fiscal year 2004-2005 and $800,000 in fiscal year 2005-2006 is provided for National Board of Teaching Standards Certification from the General Fund.

(2) **Education Professional Standards Board Operations:** Notwithstanding KRS 161.028(1)(o) and (q), the above Restricted Funds appropriation may be used for the operations of the Board.

(3) **Kentucky Principal Internship Program:** Notwithstanding KRS 161.027, no funds are provided in the above appropriations for the operational costs of the Kentucky Principal Internship Program in either fiscal year of the 2004-2006 biennium.

(4) **Employment of Leadership Personnel:** Notwithstanding KRS 18A.005 to 18A.200, the Education Professional Standards Board shall have the sole authority to determine the employees of the Education Professional Standards Board staff who are exempt from the classified service and to set their compensation comparable to the competitive market.

TOTAL - EDUCATION CABINET

	2003-04	2004-05	2005-06
General Fund	-0-	283,339,800	311,531,800
Restricted Funds	-0-	47,923,000	46,681,900
Federal Funds	7,000	874,079,000	877,097,800
TOTAL	7,000	1,205,341,800	1,235,311,500

F. ENVIRONMENTAL AND PUBLIC PROTECTION CABINET

Budget Units

1. GENERAL ADMINISTRATION AND PROGRAM SUPPORT

	2004-05	2005-06
General Fund	10,328,400	10,425,400
Restricted Funds	7,118,700	7,222,500

Federal Funds	1,560,500	1,581,500
TOTAL	19,007,600	19,229,400

(1) **Engineering Salary Parity:** The Secretary of the Environmental and Public Protection Cabinet is authorized to expend funds in an amount sufficient to pay engineers in the Cabinet at the same grade as engineers in other cabinets, as appropriate.

(2) **Debt Service:** Included in the above General Fund appropriation is $97,000 in fiscal year 2005-2006 for debt service for new bonds as set forth in Part II of this Act.

(3) **Funds Transfer (Heritage Land Conservation Fund):** The transfer is not from license plate sales or state income tax check-off or otherwise provided by law.

2. ENVIRONMENTAL PROTECTION

	2004-05	**2005-06**
General Fund	23,593,500	23,693,500
Restricted Funds	47,676,900	50,867,600
Federal Funds	16,065,200	15,602,900
TOTAL	87,335,600	90,164,000

(1) **Municipal Solid Waste Landfill Inspectors:** Notwithstanding KRS 224.43-320, no funds are provided in the above appropriations for the assignment of full-time inspectors to each municipal solid waste landfill operating in the Commonwealth.

(2) **Kentucky Pride Program:** Included in the above Restricted Funds appropriation is $24,991,500 in fiscal year 2004-2005 and $29,835,100 in fiscal year 2005-2006 for the Kentucky Pride Program.

(3) **Hazardous Waste Fund:** Notwithstanding KRS 224.46-580(7), the annual hazardous waste assessment as set forth in KRS 224.46-580(8) shall continue until June 30, 2006.

(4) **Solid Waste Enforcement Activity:** In accordance with KRS 224.43-505, the Environmental and Public Protection Cabinet shall suspend until July 2006 enforcement activity regarding landfill closure, maintenance, monitoring, and remediation obligations against formerly permitted municipal solid waste disposal and water facilities owned by a city or county that ceases accepting waste prior to July 1, 1992, except as necessary to abate an environmental emergency.

(5) **Debt Service:** Included in the above General Fund appropriation is $100,000 in fiscal year 2005-2006 for debt service for new bonds as set forth in Part II of this Act.

3. NATURAL RESOURCES

	2004-05	**2005-06**
General Fund (Tobacco)	5,000,000	5,000,000
General Fund	13,247,800	13,247,800
Restricted Funds	6,269,200	5,526,200
Federal Funds	9,743,900	9,872,100
TOTAL	34,260,900	33,646,100

(1) **Emergency Forest Fire Suppression:** Not less than $240,000 of the General Fund appropriation for each fiscal year shall be set aside for emergency forest fire suppression. There is appropriated from the General Fund the necessary funds, subject to the conditions and procedures provided in this Act, which are required as a result of emergency fire suppression activities in excess of the $240,000 amount. Fire suppression costs in excess of $240,000 annually shall be deemed necessary governmental expenses and shall be paid from the General Fund Surplus Account (KRS 48.700) or the Budget Reserve Trust Fund Account (KRS 48.705).

(2) **Tobacco Settlement Funds:** Included in the above General Fund (Tobacco) appropriation is $5,000,000 in each fiscal year for the Environmental Stewardship Program. Applicants to the Environmental Stewardship Program shall be eligible to apply for additional grants from the Agricultural Development Board.

4. SURFACE MINING RECLAMATION AND ENFORCEMENT

	2004-05	**2005-06**
General Fund	10,509,400	10,509,400
Restricted Funds	6,622,500	6,944,700
Federal Funds	16,832,700	17,007,900
TOTAL	33,964,600	34,462,000

(1) **Return of Permit and Acreage Fees:** Included in the above General Fund appropriation is $675,000 in each fiscal year for the return of permit and acreage fees under KRS 350.139; any required expenditure for this purpose in excess of this amount in either fiscal year is appropriated to the department.

(2) **Surface Coal Mining Permits:** The permit block provisions of KRS 350.085(6) shall apply both to surface coal mining and reclamation operations owned or controlled by the applicant, and those operations owning or controlling the applicant. The Natural Resources and Environmental Protection Cabinet shall continue in effect the current state regulations regarding ownership and control provided that a due process hearing shall be afforded at the time that the Cabinet makes a preliminary determination to impose a permit block.

The Cabinet shall conditionally issue a permit, permit renewal, or authorization to conduct surface coal mining and reclamation operations, if the Cabinet finds that a direct administrative or judicial appeal is presently being pursued, in good faith, to contest the validity of the determination of ownership and control linkage. The Cabinet shall conditionally issue permits where the applicant submits proof, including a settlement agreement, that the violation is being abated to the satisfaction of the issuing state or federal agency. Where the initial judicial appeal affirms the ownership or control linkage, the applicant shall have 30 days to submit proof that the violation has been or is in the process of being corrected. Nothing herein shall preclude the applicant from seeking further judicial relief. The reporting requirements of KRS 350.060(3) shall not extend to persons at the level above a publicly traded corporation who own or control the applicant.

The federal Office of Surface Mining proposed in the December 29, 2003, Federal Register a revision of its ownership and control regulations addressing, among other things, permit application information requirements, permit eligibility, and alternative enforcement. When that regulation is published as a final regulation, the Environmental and Public Protection Cabinet is directed to immediately promulgate the final federal regulation on ownership and control as a state regulation. The above provisions governing ownership and control shall remain in effect until the revised federal ownership and control regulation is adopted as a final Kentucky regulation, whereupon these provisions shall become null, void, and unenforceable.

5. ABANDONED MINE LAND RECLAMATION PROJECTS

	2004-05	2005-06
Federal Funds	22,000,000	22,000,000

(1) **Fund Receipt and Expenditures Estimates:** The above appropriations represent estimates of the funds to be received and expended for this program. If additional funds become available, the funds are appropriated subject to the conditions and procedures provided in this Act.

6. ENVIRONMENTAL QUALITY COMMISSION

	2004-05	2005-06
General Fund	150,000	150,000

(1) **Administrative Accountability:** The Environmental Quality Commission shall be attached to the Environmental and Public Protection Cabinet's Office of the Secretary, but shall remain a separate budget unit. The Secretary, with the approval of the Commissioners of the Environmental Quality Commission, may employ a director and other necessary Commission staff who shall serve at the pleasure of the Commission and the Secretary.

7. KENTUCKY NATURE PRESERVES COMMISSION

	2004-05	2005-06
General Fund	1,049,300	1,049,300
Restricted Funds	304,600	333,100
Federal Funds	70,500	70,500
TOTAL	1,424,400	1,452,900

(1) **Minor Use or Development:** Notwithstanding KRS 146.410 to 146.535, the Kentucky State Nature Preserves Commission may allow a minor use or development upon or near the property boundary of a nature preserve when the minor use or development results in the addition of acreage to the preserve, furthers the goal of encouraging land use adjacent to the preserve which can help protect the character of the preserve, furthers an important public purpose identified by another state or local public agency, and does not substantially or fundamentally alter the character of the preserve.

8. ATHLETIC COMMISSION

	2003-04	2004-05	2005-06
Restricted Funds	23,500	129,700	129,700

(1) **Current Year Appropriation:** Included in the above Restricted Funds appropriation is $23,500 in fiscal year 2003-2004 for expenditures related to a possible professional heavyweight boxing match.

9. PETROLEUM STORAGE TANK ENVIRONMENTAL ASSURANCE FUND

	2004-05	2005-06
Restricted Funds	11,140,000	11,140,000

(1) **Petroleum Storage Tank Environmental Assurance Fund:** Pursuant to KRS 224.60-120(5) and 224.60-130(2)(a), the Petroleum Storage Tank Environmental Assurance Fund may request additional funds not to exceed $1,500,000 if necessary to comply with any financial responsibility requirements promulgated under federal regulations with funds to be deemed as a necessary government expense. In addition, the Petroleum Storage Tank Environmental Assurance Fund may request

additional funds if the State Budget Director determines the funds are necessary as a necessary government expense to comply with state and federal requirements for underground petroleum storage tank programs. The funds shall be paid first from the General Fund Surplus Account (KRS 48.700), if available, or from any available balance in the Budget Reserve Trust Fund Account (KRS 48.705).

10. ALCOHOLIC BEVERAGE CONTROL

	2004-05	2005-06
General Fund	1,380,800	1,380,800
Restricted Funds	4,468,100	4,499,200
TOTAL	5,848,900	5,880,000

(1) **Sale and Distribution of Tobacco Products Enforcement:** Included in the above General Fund appropriation is $260,000 in fiscal year 2004-2005 and $260,000 in fiscal year 2005-2006 to carry out the provisions of KRS 438.337.

11. CHARITABLE GAMING

	2004-05	2005-06
Restricted Funds	3,200,000	3,200,000

(1) **Gross Receipts Fee:** Notwithstanding KRS 238.570, the gross receipts fee for fiscal year 2004-2005 and fiscal year 2005-2006 shall be fifty-three one-hundredths of one percent.

12. BOARD OF CLAIMS/CRIME VICTIMS' COMPENSATION BOARD

	2004-05	2005-06
General Fund	813,000	813,000
Restricted Funds	2,834,300	2,856,400
Federal Funds	540,100	540,100
TOTAL	4,187,400	4,209,500

(1) **Sexual Assault Examinations:** Notwithstanding KRS 216B.400(8), examinations for reported victims of sexual assault shall be paid by the Crime Victims' Compensation Board in a manner consistent with KRS Chapter 346, at a rate determined by the Board. The Board shall reimburse the hospital or sexual assault examination facility as provided in administrative regulations promulgated by the Board.

13. FINANCIAL INSTITUTIONS

	2004-05	2005-06
Restricted Funds	8,672,700	8,826,900

14. HORSE RACING AUTHORITY

	2004-05	2005-06
General Fund	509,700	509,700
Restricted Funds	13,521,600	13,311,400
TOTAL	14,031,300	13,821,100

15. HOUSING, BUILDINGS AND CONSTRUCTION

	2004-05	2005-06
General Fund	2,296,700	2,296,700
Restricted Funds	13,409,000	13,691,100
TOTAL	15,705,700	15,987,800

16. INSURANCE

	2004-05	2005-06
General Fund (Tobacco)	16,782,600	16,751,700
Restricted Funds	24,535,400	25,332,100
TOTAL	41,318,000	42,083,800

(1) **Tobacco Settlement Funds:** Included in the above General Fund (Tobacco) appropriation is $16,782,600 in fiscal year 2004-2005 and $16,751,700 in fiscal year 2005-2006 for the Kentucky Access Program.

(2) **Risk-based Capital (RBC):** A corporation, partnership, or limited liability corporation applying for and holding a certificate of authority as a health maintenance organization, which by contract manages care and processes health care claims solely for Medicaid-eligible enrollees and the Kentucky Children's Health Insurance Program, shall comply with risk-based capital (RBC) requirements as follows:

(a) For purposes of this section, RBC shall be determined in accordance with 806 KAR 38:100. Except for subsection

(11)(c) of Section 1. and Section 11. of 806 KAR 38:100, a corporation, partnership, or limited liability corporation applying for and holding a certificate of authority as a health maintenance organization, which by contract manages care and processes health care claims solely for Medicaid-eligible enrollees and the Kentucky Children's Health Insurance Program, shall comply with 806 KAR 38:100;

(b) For the RBC reports required to be filed by health maintenance organizations which manage care and process health care claims solely for Medicaid-eligible enrollees and the Kentucky Children's Health Insurance Program, the RBC levels shall be defined as follows: 1. "Company Action Level RBC" means the product of two and its Authorized Control Level RBC; 2. "Regulatory Action Level RBC" means the product of one and five-tenths and its Authorized Control Level RBC; 3. "Authorized Control Level RBC" means the product of four-tenths and the RBC after covariance determined under the RBC formula in accordance with the RBC instruction; and 4. "Mandatory Control Level RBC" means the product of seven-tenths and the Authorized Control Level RBC; and

(c) A corporation, partnership, or limited liability corporation applying for and holding a certificate of authority as a health maintenance organization managing care, processing health care claims, or providing health benefits to groups or individuals in addition to Medicaid-eligible and Kentucky Children's Health Insurance Program enrollees shall comply with the RBC requirements of subsection (a) of this section and 806 KAR 38:100 and shall not be eligible to calculate its RBC according to this section.

(3) Kentucky Access: Notwithstanding KRS 304.17B-031, during the 2004-2006 biennium, the Secretary of the Environmental and Public Protection Cabinet may seek authorization from the State Budget Director to reallocate excess unbudgeted operating funds generated by the Office of Insurance to Access. Any such funding reallocations that are approved by the State Budget Director will be reported to the Interim Joint Committee on Appropriations and Revenue consistent with the provisions of this Act.

17. MINES AND MINERALS

	2004-05	2005-06
General Fund	9,035,200	9,035,200
Restricted Funds	1,597,000	2,231,700
Federal Funds	608,100	603,300
TOTAL	11,240,300	11,870,200

(1) Funds Transfer: Notwithstanding KRS 342.122, the Kentucky Workers' Compensation Funding Commission will finance a portion of the Mines and Minerals budget through Special Fund assessments. Funds in the amount of $850,000 in fiscal year 2004-2005 and $850,000 in fiscal year 2005-2006 shall be transferred to Mines and Minerals.

18. PUBLIC ADVOCACY

	2004-05	2005-06
General Fund	25,264,400	25,264,400
Restricted Funds	5,793,000	5,793,000
Federal Funds	1,474,000	1,569,600
TOTAL	32,531,400	32,627,000

(1) Compensatory Leave Conversion to Sick Leave: In the event that the Department of Public Advocacy determines that internal budgetary pressures warrant further austerity measures, the Public Advocate is authorized to institute a policy to suspend payment of 50 hours of compensatory leave and convert these hours to sick leave for those Attorneys who have accumulated 240 hours of compensatory time.

(2) Lease Space: Notwithstanding the provisions in Part III, Section 35., of this Act, the Office of Public Advocacy shall be permitted to secure additional lease space to accommodate new staff supported by the budget or through an appropriation increase approved during the interim.

19. PUBLIC SERVICE COMMISSION

	2004-05	2005-06
General Fund	11,154,100	11,409,800
Restricted Funds	1,024,000	1,024,000
Federal Funds	249,600	257,300
TOTAL	12,427,700	12,691,100

(1) Debt Service: Included in the above General Fund appropriation is $589,000 in fiscal year 2004-2005 and $589,000 in fiscal year 2005-2006 for debt service for previously issued bonds.

(2) Lapse of General Fund Moneys: Notwithstanding KRS 278.150(3), $650,000 in fiscal year 2004-2005 and $900,000 in fiscal year 2005-2006 shall lapse to the credit of the General Fund.

(3) Revenue Bonds: Any municipality, by action of its governing body, or board or commission established pursuant to KRS Chapter 96, may issue and sell revenue bonds for the acquisition or purchase of wholesale electric power, or natural or artificial gas, not to exceed 50 percent of the cost of the anticipated total wholesale electric power or natural or artificial gas requirements of the governmental agency during the term of the bonds. Such bonds may not have a term exceeding the term of the contract or agreement.

(4) **Water Districts and Water Associations:** A water district created pursuant to KRS Chapter 74 and a water association created pursuant to KRS Chapter 273 that undertakes a waterline extension or improvement project shall not be required to obtain a certificate of public convenience and necessity pursuant to KRS 278.020(1) if the water district is a Class A or B utility as defined in the Uniform System of Accounts established by the Public Service Commission, pursuant to KRS 278.220, as the system of accounts prescribed for utilities in Kentucky; and (a) The water line extension or improvement project will not cost in excess of $250,000; (b) The water district or water association will not, as a result of the water line extension or improvement project, incur obligations requiring Public Service Commission approval pursuant to KRS 278.300; and (c) The water district will not, as a result of the water line extension or improvement project, increase rates to its customers.

20. TAX APPEALS

	2004-05	**2005-06**
General Fund	486,100	486,100

21. WORKPLACE STANDARDS

	2004-05	**2005-06**
General Fund	1,953,800	1,953,800
Restricted Funds	110,187,700	108,072,700
Federal Funds	3,379,700	3,379,700
TOTAL	115,521,200	113,406,200

22. WORKERS' CLAIMS

	2004-05	**2005-06**
Restricted Funds	14,591,600	14,561,800

23. OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

	2004-05	**2005-06**
Restricted Funds	479,300	447,500

24. WORKERS' COMPENSATION FUNDING COMMISSION

	2004-05	**2005-06**
Restricted Funds	135,755,800	133,407,200

(1) **Mines and Minerals Budget Supplement:** Notwithstanding KRS 342.122, the Kentucky Workers' Compensation Funding Commission is authorized to finance a portion of the Environmental and Public Protection Cabinet's Mines and Minerals budget through Special Fund assessments. Funds in the amount of $850,000 in fiscal year 2004-2005 and $850,000 in fiscal year 2005-2006 shall be transferred to Mines and Minerals.

(2) **Commission Funding:** Notwithstanding KRS 342.122(1)(c), no General Fund appropriation is provided to the Kentucky Workers' Compensation Funding Commission in fiscal year 2004-2005 and fiscal year 2005-2006.

TOTAL - ENVIRONMENTAL AND PUBLIC PROTECTION CABINET

	2003-04	**2004-05**	**2005-06**
General Fund (Tobacco)	-0-	21,782,600	21,751,700
General Fund	-0-	111,772,200	112,224,900
Restricted Funds	23,500	419,331,100	419,418,800
Federal Funds	-0-	72,524,300	72,484,900
TOTAL	23,500	625,410,200	625,880,300

G. FINANCE AND ADMINISTRATION CABINET

Budget Units

1. GENERAL ADMINISTRATION

	2004-05	**2005-06**
General Fund	5,784,600	5,784,600
Restricted Funds	2,649,600	2,649,600
TOTAL	8,434,200	8,434,200

(1) **Affordable Housing Trust Fund:** The Kentucky Housing Corporation may provide up to $3,000,000 in fiscal year 2004-2005 and $3,000,000 in fiscal year 2005-2006 for the Affordable Housing Trust Fund from the Kentucky Housing

Corporation Housing Assistance Fund.

(2) **Lapse of Excess Gubernatorial Transition Funds:** Unspent gubernatorial transition funds of not less than $110,000 in fiscal year 2003-2004 are directed to be lapsed to the General Fund Surplus Account (KRS 48.700) for appropriation in fiscal year 2003-2004 to the Medicaid Benefits appropriation unit in the Health and Family Services Cabinet in order to increase the amount of Federal Funds able to be matched.

2. OFFICE OF THE CONTROLLER

	2004-05	**2005-06**
General Fund	5,738,600	5,738,600
Restricted Funds	243,200	250,600
Federal Funds	3,250,000	2,250,000
TOTAL	9,231,800	8,239,200

(1) **Social Security Contingent Liability Fund:** Notwithstanding KRS 61.470(4) or any other statute or provision of law to the contrary, no money is appropriated for the Social Security Contingent Liability Fund established by KRS 61.470(4). Any expenditures that may be required by KRS 61.470 are hereby deemed necessary government expenses and shall be paid first from the General Fund Surplus Account (KRS 48.700), if available, or from any available balance in either the Judgments budget unit appropriation or the Budget Reserve Trust Fund Account (KRS 48.705), subject to the conditions and procedures provided in this Act.

3. DEBT SERVICE

	2004-05	**2005-06**
General Fund (Tobacco)	10,211,700	10,205,100
General Fund	257,259,900	272,994,200
Road Fund	2,930,000	2,505,000
TOTAL	270,401,600	285,704,300

(1) **New Debt Service:** Included in the above General Fund appropriation is $9,909,500 in fiscal year 2005-2006 to support new bonds as set forth in Part II of this Act for appropriation units within the Finance and Administration Cabinet.

(2) **Tobacco Settlement Funds - Debt Service:** To the extent that revenues sufficient to support the required debt service appropriations are received from the Tobacco Settlement Program, those revenues shall be made available from those accounts to the appropriate account of the General Fund. All necessary debt service amounts shall be appropriated from the General Fund and shall be fully paid regardless of whether there is a sufficient amount available to be transferred from tobacco supported funding program accounts to other accounts of the General Fund.

(3) **Bond Proceeds Transfer and Lapse:** There shall be a transfer, in fiscal year 2004-2005, of $8,300,000 from the Bond and Investment Income Account (0200-750-0350) to the Debt Service Fund (0300 fund) which shall be used to pay debt service. As a result of this transfer, at the end of fiscal year 2004-2005, there shall be a lapse to the General Fund in the amount of $8,300,000.

4. ADMINISTRATION

	2004-05	**2005-06**
General Fund	3,347,500	3,347,500
Restricted Funds	7,780,300	7,658,200
Road Fund	283,000	283,000
TOTAL	11,410,800	11,288,700

5. FACILITIES MANAGEMENT

	2004-05	**2005-06**
General Fund	7,475,600	7,475,600
Restricted Funds	28,587,000	28,332,500
TOTAL	36,062,600	35,808,100

(1) **Residence of the Lieutenant Governor:** Notwithstanding KRS 42.037, effective December 8, 2003, the Secretary of the Finance and Administration Cabinet shall expend no additional state funds for the residence of the Lieutenant Governor, except for expenses necessary to maintain property owned by the Commonwealth. Notwithstanding KRS 42.037, the Secretary of the Finance and Administration Cabinet shall expend no additional state funds for security, staff, or services for the residence of the Lieutenant Governor, other than expenses necessary to maintain and provide security for property owned by the Commonwealth. The Governor may provide staff and services to the Lieutenant Governor's Mansion from the staff and services of the Governor's Mansion.

6. COUNTY COSTS

	2004-05	2005-06
General Fund	18,929,100	19,288,700
Restricted Funds	1,925,000	1,925,000
TOTAL	20,854,100	21,213,700

(1) **Base Court Revenue:** Notwithstanding KRS 24A.190 to 24A.193, included in the above General Fund appropriation is $0 funding in fiscal year 2004-2005 and $0 funding in fiscal year 2005-2006 for base court revenue.

Funds required to pay county costs other than base court revenue funded by the General Fund are appropriated and additional funds may be allotted from the General Fund Surplus Account (KRS 48.700) or the Budget Reserve Trust Fund Account (KRS 48.705) by the Secretary of the Finance and Administration Cabinet, subject to the conditions and procedures provided in this Act.

7. GOVERNOR'S OFFICE FOR TECHNOLOGY

	2003-04	2004-05	2005-06
General Fund	-0-	292,500	292,500
Restricted Funds	-0-	56,453,700	56,597,200
Federal Funds	554,000	771,800	628,300
Road Fund	-0-	125,000	125,000
TOTAL	554,000	57,643,000	57,643,000

(1) **Current Year Appropriation:** Included in the above Federal Funds appropriation is $554,000 in fiscal year 2003-2004 to support increased personnel expenditures necessary to implement the Kentucky Landscape Snapshot Project with a federal grant from the National Aeronautics and Space Administration (NASA).

(2) **Information Technology Contractor Utilization Report:** The Secretary of the Finance and Administration Cabinet or his or her designee shall be responsible for reporting to the Legislative Research Commission on a semiannual basis beginning December 30, 2004, regarding utilization of all information technology professional service procured from state master contracts by all agencies within the Executive Branch.

(3) **Information Technology Contractor Utilization Management and Oversight:** The Secretary of the Finance and Administration Cabinet or his or her designee shall oversee and approve the use of hourly-based information technology contract resources procured from state master contracts by all Executive Branch agencies. The Secretary shall report to the Legislative Research Commission, by December 31, 2004, actions taken to implement the approval and oversight process.

(4) **Information Technology Contractor Utilization Reduction:** The Secretary of the Finance and Administration Cabinet is encouraged to work with the Office of State Budget Director and the Department of Personnel to take necessary actions to minimize the reliance on hourly-based information technology contract resources procured from state master contracts. Should savings to the Commonwealth be adequately documented, the actions may include but not be limited to adjustments to the personnel cap, compensation schedule, and classification structure for information technology classifications.

(5) **Merged Dispatch Funds:** Notwithstanding KRS 65.7631, any Public Safety Answering Point (PSAP) that chooses to consolidate operations after July 15, 1998 shall continue to receive pro rata shares as if each had remained separate and distinct entities.

8. REVENUE

	2004-05	2005-06
General Fund (Tobacco)	175,000	175,000
General Fund	67,173,500	68,114,900
Restricted Funds	3,953,000	3,915,900
Road Fund	1,418,000	1,418,000
TOTAL	72,719,500	73,623,800

(1) **Insurance Surcharge Rate:** Pursuant to KRS 136.392, the insurance surcharge rate shall be calculated at a rate to provide sufficient funds in the 2004-2006 fiscal biennium for the Firefighters Foundation Program Fund and the Kentucky Law Enforcement Foundation Program Fund. The calculation of sufficient funds for the above-named programs shall include any Restricted Funds carried forward from fiscal years 2003-2004 and 2004-2005 provided by the General Assembly in this Act.

(2) **Road Fund Compliance and Motor Vehicle Property Tax Programs:** The above Road Fund appropriation represents the cost of the Road Fund Compliance and Motor Vehicle Property Tax Programs within the Department of Revenue and is to be used exclusively for that purpose.

(3) **Delinquent Tax Fund:** Notwithstanding KRS 134.400, the administration of the Delinquent Tax Fund is in Property Valuation. Proceeds shall be deposited to this account, except that the first $100,000 shall be deposited exclusively to the General Fund. The Department of Revenue may retain and expend funds from the accumulated balance in the Delinquent Tax Fund account for the administrative activities of the Department of Revenue.

(4) Tax Compliance and Collection Efforts: Included in the above General Fund appropriation is $4,007,800 in fiscal year 2004-2005 and $4,181,400 in fiscal year 2005-2006 for personnel, operating costs, and information systems to support compliance and efficiency in collections of delinquent taxes and other amounts owed to the Commonwealth.

(5) Refund of Sales Tax Paid on Communications Services: Notwithstanding KRS 139.505, all applicants filing on or after June 1, 2003, for the refundable credit for sales tax paid on communications service shall comply with the following: any business whose interstate communications service, subject to the sales tax imposed under KRS Chapter 139 and deducted for federal income tax purposes, exceeds five percent of the business's Kentucky gross receipts during the preceding calendar year is entitled to a refundable credit if the business's annual Kentucky gross receipts are equal to or more than $1,000,000, and the majority of the interstate communications service billed to a Kentucky service address for the annual period is for communications service originating outside of this state and terminating in this state.

The refundable credit shall be equal only to the sales tax paid on the difference by which the interstate communications service purchased by the business exceeds five percent of the business's Kentucky gross receipts.

To facilitate the administration of the refundable tax credit, the Department of Revenue shall grant eligible businesses which apply for the tax credit permission to directly report and pay the sales tax applicable to the purchase of communications service. Once the business receives permission to directly report and pay the tax, refunds of the tax paid on communications service shall not include any sales tax collected and paid by a communications service provider to the Department of Revenue.

(6) Operations of the Department of Revenue Notwithstanding KRS 132.672, 154.12-219, and 365.390(2), funds may be expended in support of the operations of the Department of Revenue.

9. PROPERTY VALUATION ADMINISTRATORS

	2004-05	2005-06
General Fund	29,719,600	30,532,600
Restricted Funds	4,760,000	4,760,000
TOTAL	34,479,600	35,292,600

(1) Management of Expenditures: Notwithstanding KRS 132.590 and 132.597, the property valuation administrators are authorized to take necessary actions to manage expenditures within the appropriated amounts contained in this Act.

TOTAL - FINANCE AND ADMINISTRATION CABINET

	2003-04	2004-05	2005-06
General Fund (Tobacco)	-0-	10,386,700	10,380,100
General Fund	-0-	395,720,900	413,569,200
Restricted Funds	-0-	106,351,800	106,089,000
Federal Funds	554,000	4,021,800	2,878,300
Road Fund	-0-	4,756,000	4,331,000
TOTAL	554,000	521,237,200	537,247,600

H. HEALTH AND FAMILY SERVICES CABINET

Budget Units

1. GENERAL ADMINISTRATION AND PROGRAM SUPPORT

	2004-05	2005-06
General Fund	36,238,500	36,763,000
Restricted Funds	10,579,400	10,494,000
Federal Funds	45,229,700	45,579,400
TOTAL	92,047,600	92,836,400

(1) Maximizing Federal Funds: Pursuant to compliance with the State/Executive Budget Bill and the Statutory Budget Memorandum, the Health and Family Services Cabinet shall maximize Federal Funds for programs within the Cabinet.

(2) Federally Funded Positions: Notwithstanding KRS 18A.010(2) and any provisions of this Act to the contrary, direct service units of the Office of Inspector General, Office of Aging Services, Department for Disability Determination, Department for Community Based Services, Department for Medicaid Services, Department for Mental Health/Mental Retardation Services, and the Department for Public Health shall be authorized to establish and fill such additional positions as are 100 percent federally funded for salary and fringe benefits.

(3) Human Services Transportation Delivery: Notwithstanding KRS 281.014, 281.870, 281.872, or any other statute or provision of law to the contrary, agencies within the former Cabinet for Families and Children shall not participate in the Human Services Transportation Delivery Program or the Coordinated Transportation Advisory Committee effective July 1, 2002.

(4) Debt Service: Included in the above General Fund appropriation is $524,500 in fiscal year 2005-2006 for debt service for new bonds as set forth in Part II of this Act.

(5) **Management and Administration Contracts:** The Cabinet for Health and Family Services shall provide the Interim Joint Committee on Appropriations and Revenue a copy of any Request for Proposals, at the time it is issued by either the Cabinet, Department for Medicaid Services, or the Finance and Administration Cabinet, concerning the administration or management of any portion or service of the State Medicaid Program.

2. COMMISSION FOR CHILDREN WITH SPECIAL HEALTH CARE NEEDS

	2004-05	2005-06
General Fund (Tobacco)	1,455,000	1,455,000
General Fund	16,200,100	17,100,100
Restricted Funds	23,469,300	25,295,300
Federal Funds	10,300,000	9,374,000
TOTAL	51,424,400	53,224,400

(1) **Tobacco Settlement Funds:** Included in the above General Fund (Tobacco) appropriation is $450,000 in each fiscal year for Universal Newborn Hearing Screening; $5,000 in each fiscal year for Vision Screening; and $1,000,000 each fiscal year for the Kentucky Early Intervention Services First Steps Program.

(2) **Lapse of General Fund (Tobacco) Moneys:** Notwithstanding KRS 200.151, $49,000 of General Fund (Tobacco) shall lapse at the end of fiscal year 2003-2004 to the credit of the General Fund.

3. MEDICAID SERVICES

a. Administration

	2004-05	2005-06
General Fund	18,028,200	18,028,200
Restricted Funds	18,306,000	18,306,000
Federal Funds	42,047,100	42,047,100
TOTAL	78,381,300	78,381,300

(1) **Transfer of Excess Administrative Funds for Medicaid Benefits:** If any portion of the General Fund appropriation in either fiscal year is deemed to be in excess of the necessary expenses for administration of the Department, the amount may be used for Medicaid Benefits, in accordance with statutes governing the functions and activities of the Department for Medicaid Services. In no instance shall these excess funds be used without prior written approval of the State Budget Director to:

(a) Establish a new program;

(b) Expand the services of an existing program; or

(c) Increase rates or payment levels in an existing program.

Any transfer authorized under this section shall be approved by the Secretary of the Finance and Administration Cabinet upon recommendation of the State Budget Director.

(2) **Medicaid Service Category Expenditure Information:** No Medicaid managed care contract shall be valid, and no payment to a Medicaid managed care vendor by the Finance and Administration Cabinet or the Health and Family Services Cabinet shall be made, until the Medicaid managed care contract contains a provision that the contractor shall collect Medicaid expenditure data by the categories of services paid for by the Medicaid Program. Actual statewide Medicaid expenditure data by all categories of Medicaid services, including mandated and optional Medicaid services, special expenditures/offsets, and Disproportionate Share Hospital payments by type of hospital, shall be compiled by the Department for Medicaid Services for all Medicaid providers and forwarded to the Interim Joint Committee on Appropriations and Revenue on a quarterly basis. Projections of Medicaid expenditures by categories of Medicaid services shall be provided to the Interim Joint Committee on Appropriations and Revenue upon request.

b. Benefits

	2003-04	2004-05	2005-06
General Fund	110,000	759,655,500	765,065,500
Restricted Funds	-0-	398,226,900	353,625,600
Federal Funds	-0-	2,694,852,500	2,592,829,400
TOTAL	110,000	3,852,734,900	3,711,520,500

(1) **Current Year Appropriation:** Included in the above General Fund appropriation is $110,000 is fiscal year 2003-2004 to support current services.

(2) **Supports for Community Living Slots:** Included in the above appropriation is $1,000,000 in Restricted Funds support and $2,302,500 in Federal Funds in fiscal year 2004-2005 to support 75 additional Supports for Community Living slots and $2,500,000 in General Fund support, and $5,723,700 in Federal Funds in fiscal year 2005-2006 to support 150 additional

Supports for Community Living slots.

Supports for Community Living Waiver funds shall be appropriated only for direct services to qualified Supports for Community Living Waiver recipients, and any unexpended funds shall not lapse but shall be carried forward to the next fiscal year for the same purpose.

(3) **Acquired Brain Injury Waiver Program:** Included in the above appropriation is $272,500 in Restricted Funds and $627,500 in Federal Funds in fiscal year 2004-2005 and $304,000 in Restricted Funds and $696,000 in Federal Funds in fiscal year 2005-2006 to support the Acquired Brain Injury Waiver program.

(4) **Carry Forward of General Fund Appropriations:** Notwithstanding KRS 45.229, any General Fund appropriation unexpended in fiscal years 2003-2004 and 2004-2005 shall not lapse, but shall be carried forward into the next fiscal year.

(5) **Disproportionate Share Hospital Program:** Hospitals shall report indigent inpatient and outpatient care for which, under federal law, the hospital is eligible to receive disproportionate share payments. Disproportionate Share Hospital payments shall not exceed the maximum amounts established in the federal law. The Health and Family Services Cabinet shall, to the extent state matching funds are available, maximize federal Disproportionate Share Hospital Funds.

(6) **Hospital Indigent Patient Billing:** Hospitals shall not bill patients for services where the services have been reported to the Cabinet and the hospital has received disproportionate share payments for the specific services.

(7) **Provider Tax Information:** Any provider who posts a sign or includes information on customer receipts or any material distributed for public consumption indicating that they have paid provider tax shall also post, in the same size typeset as the provider tax information, the amount of payment received from the Department for Medicaid Services during the same period the provider tax was paid. Providers who fail to meet this requirement shall be excluded from the Disproportionate Share Hospital and Medicaid Program. The Health and Family Services Cabinet shall include this provision in facilities' annual licensure inspection.

(8) **Quality and Charity Care Trust Fund:** No hospital may be reimbursed from both the Quality and Charity Care Trust Fund and the Disproportionate Share Hospital Program for the same service to the same patient. Any hospital that willfully violates this provision shall be subject to a penalty equal to three times the amount of the improper charge to the funds, which amount shall be credited to the General Fund. The Secretary of the Health and Family Services Cabinet shall have the authority to secure the patient information as needed from the participating facilities in order to determine compliance and enforce this provision. Each facility billing and receiving reimbursements from the Quality and Charity Care Trust Fund shall be required to identify each patient by Social Security number and indicate whether the patient is classified as indigent or medically needy. Notwithstanding any other provision of this Act or law, in any fiscal year for which all the parties to the Quality and Charity Care Trust Agreement so agree, the General Fund appropriation to fulfill the Commonwealth's contractual obligation relating to the Quality and Charity Care Trust Agreement or any portion thereof, together with any other funds paid to the Quality and Charity Care Trust contractual obligation of the parties, or any portion thereof, shall be transferred to the Department for Medicaid Services as part of its Restricted Funds appropriation for Benefits. In any fiscal year for which all the parties to the Quality and Charity Care Trust Agreement do not agree to transfer all or any portion of the Trust's revenues to the Department for Medicaid Services for Benefits, the Quality and Charity Care Trust shall operate pursuant to its contractual provisions.

(9) **Kentucky Children's Health Insurance Program (KCHIP):** The Secretary of the Health and Family Services Cabinet may transfer from the Medicaid Benefits to the KCHIP General Fund or Restricted Funds appropriations to be used to match the Federal allocation. These transfers may be made to cover both additional regular allocations and redistribution from the federal government. The Secretary shall recommend any proposed transfer to the State Budget Director for review and concurrence prior to transfer. Upon concurrence of the State Budget Director and prior to the transfer, the Secretary shall make the appropriate appropriation increase request.

(10) **Intergovernmental Transfers (IGT's):** Any funds received through an IGT agreement between the Department for Medicaid Services and other governmental entities, in accordance with a federally approved state plan amendment, shall be used to provide for the health and welfare of the citizens of the Commonwealth through the provision of Medicaid benefits. This allocation shall include but not be limited to funds generated through transfer agreements with county-owned nursing homes, county-owned hospitals, state universities, and other governmental agencies. The Secretary of the Health and Family Services Cabinet shall recommend any proposed transfer to the State Budget Director for review and concurrence prior to transfer. Revenues from IGT's are contingent upon agreement by the parties and, when negotiated, the Secretary for Health and Family Services shall make the appropriations increase requests pursuant to KRS 48.630.

(11) **Child Sexual Abuse Exams:** The Department for Medicaid Services shall develop a reimbursement schedule to compensate participating health care providers for the full cost of providing child sexual abuse examinations for eligible children to the extent funds are available. The provisions of this section shall not mandate any services or payments that are not otherwise provided in the Medicaid Benefits budget in this section. The reimbursement schedule shall not be reduced under any Managed Care Agreement. The Department for Medicaid Services may require participating health care providers to meet specific training and experience requirements.

(12) **Medicaid Budget Analysis Reports:** The Department for Medicaid Services shall submit a quarterly budget analysis report to the Interim Joint Committee on Appropriations and Revenue. The report shall provide monthly detail of actual expenditures, eligibles, and average monthly cost per eligible by eligibility category along with current trailing 12-month averages

for each of these figures. The report shall also provide actual figures for all categories of noneligible-specific expenditures such as Supplemental Medical Insurance premiums, Kentucky Patient Access to Care, nonemergency transportation, drug rebates, cost settlements, and Disproportionate Share Hospital payments by type of hospital. The report shall compare the actual expenditure experience with those underlying the enacted or revised enacted budget and explain any significant variances which may occur.

(13) **Medicaid Benefits Budget Deficit:** In the event Medicaid Benefits expenditures are projected to exceed available funds, the Secretary of the Health and Family Services Cabinet shall be empowered to recommend that reimbursement rates, optional services, eligibles, or programs be reduced or maintained at levels existing at the time of the projected deficit in order to avoid a budget deficit. The projected deficit shall be confirmed by the Governor's Office of Economic Analysis. No service, eligible, reimbursement rate, or program reductions shall be implemented by the Health and Family Services Cabinet without written notice of such action to the Interim Joint Committee on Appropriations and Revenue and the State Budget Director. Such actions taken by the Health and Family Services Cabinet shall be reported at the next meeting of the Interim Joint Committee on Appropriations and Revenue. Objections to the actions by the Committee shall be responded to, in writing in detail, by the Secretary of the Health and Family Services Cabinet.

(14) **Medicaid Benefits Budget Surplus:** In the event Medicaid Benefits expenditures are less than available funds, the Secretary of the Health and Family Services Cabinet may recommend the utilization of available funds to increase reimbursement rates, expand the Medicaid Program or the number of eligibles, or transfer General Fund moneys up to the amount of the excess Restricted Funds to other agencies within the Cabinet to be utilized for direct services to eligibles or clients. No reimbursement rate, service, eligible, or program shall be increased without written approval of the State Budget Director and review by the Interim Joint Committee on Appropriations and Revenue. Such actions taken by the Health and Family Services Cabinet shall be reported at the next meeting of the Interim Joint Committee on Appropriations and Revenue. Objections to the actions by the Committee shall be responded to, in writing in detail, by the Secretary of the Health and Family Services Cabinet.

(15) **Medical Child Support Enforcement:** In collaboration with the Department for Community Based Services, the Department for Medicaid Services may implement a pilot program to address the pursuit of funds expended as a result of unenforced medical child support orders. An amount included in the above appropriation not to exceed $125,000 in Restricted Funds and $125,000 in Federal Funds in each fiscal year may be used from Medicaid Benefits in order to provide monetary resources to the county attorneys involved in the pilot program. This project may include a select number of counties which shall be selected based on criteria to be developed by the Department for Medicaid Services and the Department for Community Based Services, and at a minimum shall include an analysis showing that the anticipated return on investment exceeds the cost associated with the pilot program.

(16) **Medicaid Pharmacy Co-Payments:** Notwithstanding KRS 205.6312(6), any co-payment of prescription or over-the-counter drugs shall not exceed $3 for brand name drugs or $1 for generic drugs.

4. MENTAL HEALTH AND MENTAL RETARDATION SERVICES

	2004-05	**2005-06**
General Fund (Tobacco)	900,000	900,000
General Fund	169,683,800	170,397,800
Restricted Funds	182,341,300	180,029,600
Federal Funds	41,045,500	39,368,800
TOTAL	393,970,600	390,696,200

(1) **Disproportionate Share Hospital Funds:** Mental health disproportionate share funds are budgeted at the maximum amounts permitted by the Federal Balanced Budget Act of 1997, as amended by the Federal Benefits Improvements and Protection Act of 2000, in the amount of $30,200,000 in fiscal year 2004-2005 and $30,200,000 in fiscal year 2005-2006.

(2) **Kentucky Commission on Services and Supports for Individuals with Mental Illness, Alcohol and Other Drug Abuse Disorders, and Dual Diagnoses:** Notwithstanding KRS 210.504, the Department for Mental Health and Mental Retardation Services shall provide at least $12,500 each fiscal year to be distributed to support the continued operation of the 14 regional planning councils and Commission activities relating to the mandates of KRS 210.500, 210.502, 210.504, 210.506, and 210.509, through June 30, 2006. The regional planning councils shall make recommendations for, and the Commission shall develop, a two year work plan for specifying goals and strategies relating to services and supports for individuals with mental illness and alcohol and other drug disorders and dual diagnoses, and efforts to reduce the stigma associated with mental illness and other substance abuse disorders. The Commission shall report workgroup activities and findings to the Governor and Interim Joint Committee on Health and Welfare by December 1 of each year.

(3) **Debt Service:** Included in the above General Fund appropriation in fiscal year 2005-2006 is $549,000 for debt service to support new bonds as set forth in Part II of this Act.

(4) **Substance Abuse Prevention and Treatment:** Included in the above General Fund (Tobacco) appropriation is $900,000 in each fiscal year for substance abuse prevention and treatment.

(5) **Safety Net/Community Care:** Included in the above General Fund appropriation is $2,000,000 in each fiscal year to mend the safety net of behavioral health services, including but not limited to inpatient and outpatient services, partial hospitalization or psychosocial rehabilitation services, emergency services, crisis stabilization services, consultation and education

services, and mental retardation services, which are provided by the 14 Regional Mental Health/Mental Retardation Boards. These funds shall be allocated to restore or strengthen core services to patients who have no payor source. Funds shall be distributed to the regions on a per capita basis as flexible funds.

(6) **Jailer Mental Health Screening Training:** Included in the above General Fund appropriation is $275,000 in each fiscal year to continue a training program relating to mental health consultation and education to jails.

The Kentucky Commission on Services to Individuals with Mental Illness, Alcohol and Other Drug Abuse Disorders, and Dual Diagnoses shall, in its annual review of the Commission plan, include in its duties recommendations for improvements in identifying, treating, housing, and transporting prisoners in jails and juveniles in detention centers with mental illness. Items to be reviewed shall include but not be limited to recommendations for statutory and regulatory changes, training and treatment funding, cost sharing, housing and transportation costs, appropriate treatment sites, and training requirements for local jailers and other officers of the court who may come in contact with persons incarcerated or in detention but deemed mentally ill.

The training shall continue to be delivered by Regional Mental Health/Mental Retardation Board staff to new jailers and new jail staff, except administrative support, on screening and responding to the needs of inmates with mental illness within six months of employment. Treatment services may also be provided for within this funding allocation.

(7) **Mental Health/Mental Retardation Contracting:** The Secretary, at his discretion, may either issue a Request for Proposal with the intent to enter into a personal service contract or issue a Grant Agreement which shall be paid by the Department for Mental Health and Mental Retardation Services directly to the following entities without passing through any other entity: Dayspring Inc., Jefferson County Medical Society/Health Place, Boys and Girls Club, New Beginnings Bluegrass, Inc., The Point/ARC of Northern Kentucky, Inc., and the ARC of Barren County.

(8) **Narcotic Treatment Program:** The goal of a Narcotic Treatment Program (NTP) shall be to gradually lower doses to get the patient off narcotics or illegal drugs, and to allow maintenance as necessary when documented by the NTP physician. The dispensing of a scheduled drug to a patient at a NTP shall be reported by the attending physician to the Health and Family Services Cabinet as part of the Kentucky All Schedule Prescription Electronic Reporting (KASPER) system.

(9) **Elizabethtown Communicare Comprehensive Care Board - Washington County Duplex:** Included in the above General Fund appropriation is $165,000 in fiscal year 2005-2006 to support Phase II of the Elizabethtown Communicare Comprehensive Care Board - Washington County Duplex project.

5. PUBLIC HEALTH

	2004-05	**2005-06**
General Fund (Tobacco)	16,428,000	16,373,000
General Fund	55,541,300	56,376,300
Restricted Funds	52,282,500	50,882,500
Federal Funds	148,601,600	148,592,900
TOTAL	272,853,400	272,224,700

(1) **Debt Service:** Included in the above General Fund appropriation is $835,000 in fiscal year 2005-2006 for debt service for new bonds as set forth in Part II. of this Act

(2) **Tobacco Settlement Funds:** Included in the above General Fund (Tobacco) appropriation is $7,599,900 in each fiscal year for the Health Access Nurturing Development Services Program; $2,000,000 in each fiscal year for Healthy Start initiatives; $2,000,000 in each fiscal year for Universal Children's Immunizations; $900,000 in each fiscal year for the Folic Acid Program; $875,000 in each fiscal year for Early Childhood Mental Health; and $337,500 in fiscal year 2004-2005 and $287,500 in fiscal year 2005-2006 for Early Childhood Oral Health. Also included in the above General Fund (Tobacco) appropriation is $2,715,600 in fiscal year 2004-2005 and $2,710,600 in fiscal year 2005-2006 for the Smoking Cessation Program.

(3) **Childhood Immunizations Program:** Included in the above General Fund appropriation is $1,200,000 in fiscal year 2004-2005 and $1,200,000 in fiscal year 2005-2006 to support the state childhood immunizations program. Notwithstanding KRS 45.229, and any provisions of this Act to the contrary, any General Fund appropriation for this program unexpended in fiscal year 2004-2005 shall not lapse but shall be carried forward to fiscal year 2005-2006 and utilized for services of this program.

(4) **Kentucky AIDS Drug Assistance Program:** Included in the above General Fund appropriation is $180,000 in each fiscal year for funding the Kentucky AIDS Drug Assistance Program (KADAP).

6. CERTIFICATE OF NEED

	2004-05	**2005-06**
General Fund	117,700	117,700
Restricted Funds	162,900	158,800
TOTAL	280,600	276,500

7. AGING SERVICES

	2004-05	**2005-06**
General Fund	26,972,100	26,972,100

Restricted Funds	519,400	519,900
Federal Funds	21,317,800	21,254,900
TOTAL	48,809,300	48,746,900

(1) **Local Match Requirements:** Notwithstanding KRS 205.460, entities contracting with the Health and Family Services Cabinet to provide essential services under KRS 205.455 and 205.460 shall provide local match equal to or greater than the amount in effect during fiscal year 2001-2002. Local match may include any combination of materials, commodities, transportation, office space, personal services, or other types of facility services or funds. The Secretary of the Health and Family Services Cabinet shall prescribe the procedures to certify the local match assurance.

(2) **Pulaski County Alzheimer's Disease Respite Center:** Included in the above appropriation is $100,000 in General Fund support in each fiscal year to provide non-recurring funds for the Pulaski County Alzheimer's Disease Respite Center.

8. DISABILITY DETERMINATION SERVICES

	2004-05	2005-06
Restricted Funds	65,800	65,800
Federal Funds	43,643,800	44,692,200
TOTAL	43,709,600	44,758,000

9. COMMUNITY BASED SERVICES

	2004-05	2005-06
General Fund (Tobacco)	8,300,400	8,300,400
General Fund	275,298,100	290,698,100
Restricted Funds	135,166,400	115,199,000
Federal Funds	470,437,700	478,419,800
TOTAL	889,202,600	892,617,300

(1) **Tobacco Settlement Funds:** Included in the above General Fund (Tobacco) appropriation is $8,120,400 in fiscal year 2004-2005 and $8,120,400 in fiscal year 2005-2006 for the Early Childhood Development Program, and $180,000 in fiscal year 2004-2005 and $180,000 in fiscal year 2005-2006 for Child Advocacy Centers.

(2) **Child Care Assistance Program:** The Department for Community Based Services shall promulgate administrative regulations to establish the following program changes: (a) The nontraditional incentive shall be paid only for children who utilize the nontraditional hours; (b) A co-pay shall be established for all families; (c) Each family's eligibility shall be reviewed at least quarterly; (d) After-school services shall be reimbursed at a new after-school rate and not be reimbursed at the part-day care rate; and (e) Local offices shall be permitted to pursue repayment of fraud cases over $5,000 if the Office of the Inspector General does not pursue the case.

TOTAL - HEALTH AND FAMILY SERVICES CABINET

	2003-04	2004-05	2005-06
General Fund (Tobacco)	-0-	27,083,400	27,028,400
General Fund	110,000	1,357,735,300	1,381,518,800
Restricted Funds	-0-	821,119,900	754,576,500
Federal Funds	-0-	3,517,475,700	3,422,158,500
TOTAL	110,000	5,723,414,300	5,585,282,200

I. JUSTICE AND PUBLIC SAFETY CABINET

Budget Units

1. JUSTICE OPERATIONS

a. Justice Administration

	2004-05	2005-06
General Fund	7,153,500	7,690,600
Restricted Funds	847,000	733,900
Federal Funds	11,472,900	8,725,400
TOTAL	19,473,400	17,149,900

b. Criminal Justice Training

	2004-05	2005-06
Restricted Funds	37,941,400	37,941,400
Federal Funds	2,700,000	2,700,000

TOTAL	40,641,400	40,641,400

(1) Kentucky Law Enforcement Foundation Program Fund: Included in the above Restricted Funds appropriation is $36,883,600 in fiscal year 2004-2005 and $36,883,600 in fiscal year 2005-2006 for the Kentucky Law Enforcement Foundation Program Fund.

(2) Training Incentive Payments: Notwithstanding KRS 15.460(1), included in the above Restricted Funds appropriation is $3,100 in fiscal year 2004-2005 and $3,100 in fiscal year 2005-2006 for training incentive payments for each participant.

c. Juvenile Justice

	2004-05	2005-06
General Fund	80,157,100	82,048,100
Restricted Funds	12,200,000	12,193,900
Federal Funds	16,989,000	15,069,000
TOTAL	109,346,100	109,311,000

(1) Madison County Juvenile Detention: Madison County shall be placed in the Fayette Juvenile Detention region under the statewide detention plan. The Madison County juvenile detention facility may remain open to hold juveniles from Madison County until the state-operated facility in Fayette County opens, and the county shall receive the detention subsidy provided for in KRS 635.060(3).

(2) Clark County Juvenile Detention: Clark County shall be placed in the Fayette Juvenile Detention region under the statewide detention plan. The Clark County juvenile detention facility may remain open to hold juveniles from Clark County and other counties until the state-operated facility in Fayette County opens, and the county shall receive the detention subsidy provided for in KRS 635.060(3).

d. State Police

	2004-05	2005-06
General Fund	70,719,500	71,374,000
Restricted Funds	8,852,700	8,774,000
Federal Funds	13,814,700	13,444,700
Road Fund	40,000,000	40,000,000
TOTAL	133,386,900	133,592,700

(1) Call to Extraordinary Duty: There is appropriated from the General Fund to the Department of State Police, subject to the conditions and procedures provided in this Act, funds which are required as a result of the Governor's call of the Kentucky State Police to extraordinary duty when an emergency situation has been declared to exist by the Governor. Funding is authorized to be provided from the General Fund Surplus Account (KRS 48.700) or the Budget Reserve Trust Fund Account (KRS 48.705).

(2) State Police Authorized Strength: The Kentucky State Police sworn officer authorized strength, as defined in KRS 16.010, is 1,070.

(3) Debt Service Payments: Included in the above General Fund appropriation is $654,500 in fiscal year 2005-2006 to provide for debt service to support new bonds as set forth in Part II of this Act.

TOTAL - JUSTICE OPERATIONS

	2004-05	2005-06
General Fund	158,030,100	161,112,700
Restricted Funds	59,841,100	59,643,200
Federal Funds	44,976,600	39,939,100
Road Fund	40,000,000	40,000,000
TOTAL	302,847,800	300,695,000

2. CORRECTIONS

a. Corrections Management

	2004-05	2005-06
General Fund	15,624,800	15,950,500
Restricted Funds	13,294,800	13,294,800
Federal Funds	921,600	50,000
TOTAL	29,841,200	29,295,300

(1) Jailer Mental Health Screening Training: The Kentucky Commission on Services to Individuals with Mental

Illness, Alcohol and Other Drug Abuse Disorders, and Dual Diagnoses shall, in its annual review of the Commission plan, include in its duties recommendations for improvements in identifying, treating, housing, and transporting prisoners in jails and juveniles in detention centers with mental illness. Items to be reviewed shall include but not be limited to recommendations for statutory and regulatory changes, training and treatment funding, cost sharing, housing and transportation costs, appropriate treatment sites, and training requirements for local jailers and other officers of the court who may come in contact with persons incarcerated or in detention but deemed mentally ill.

The training shall continue to be delivered by Regional Mental Health/Mental Retardation Board staff to new jailers and new jail staff, except administrative support, on screening and responding to the needs of inmates with mental illness within six months of employment. Treatment services may also be provided for within this funding allocation.

b. Adult Correctional Institutions

	2004-05	2005-06
General Fund	195,496,400	195,674,600
Restricted Funds	5,609,000	5,609,000
Federal Funds	315,200	315,200
TOTAL	201,420,600	201,598,800

(1) **Transportation of Prisoners and Drug and Alcohol Testing of Correctional Employees:** Notwithstanding KRS 48.310, the following statutes are created to read as follows, and shall have permanent effect subject to future actions by the General Assembly:

SECTION 1. A NEW SECTION OF KRS CHAPTER 197 IS CREATED TO READ AS FOLLOWS:

(1) Whenever a court finds the personal attendance of a state prisoner is necessary in a civil action and orders the Justice Cabinet or its agent or any law enforcement officer to transport a prisoner in connection with the civil action, the party requesting that the state prisoner be transported to the hearing shall pay the transportation cost, which shall include the estimated round trip cost, including the state mileage rate and the estimated associated salary cost of the transporting officer.

(2) The court shall cause all transportation orders to be delivered to the warden or jailer of the detention facility where the prisoner resides. As soon as practicable after the receipt of the order, the warden or jailer shall notify the prisoner and the court of the total transportation cost. If the payment is not received twenty-four (24) hours in advance of the scheduled hearing no transportation shall be provided, irrespective of the order of the court commanding the Justice Cabinet or its agent or other law enforcement officer to transport a prisoner.

(3) To the extent practicable, any action concerning a prisoner in which the court has determined that the prisoner's participation is required or permitted, shall be conducted by telephone, video conference, or other telecommunications technology without removing the prisoner from the facility in which the prisoner is confined.

(4) The Justice Cabinet shall promulgate an administrative regulation governing this process.

SECTION 2. A NEW SECTION OF KRS CHAPTER 197 IS CREATED TO READ AS FOLLOWS:

The commissioner of the Department of Corrections shall prescribe by administrative regulation drug and alcohol testing procedures for all correctional employees in hazardous positions as defined by KRS 61.592.

c. Elliott County Prison

	2004-05	2005-06
General Fund	600,000	600,000

(1) **Elliott County Prison:** Included in the above General Fund appropriation is $600,000 in each fiscal year for the Elliott County Prison. The Secretary of the Justice and Public Safety Cabinet shall determine the most cost-effective plan to postpone utilization, operate, or privatize the operations of the adult correctional facility located in Elliott County and implement the plan. The Secretary of the Justice and Public Safety Cabinet shall transmit a written finding to the Legislative Research Commission prior to the implementation of the plan.

(2) **Necessary Government Expense:** In addition to such funds as may be appropriated for the Elliott County Prison, the Secretary of the Justice and Public Safety Cabinet may request approval from the State Budget Director, as a necessary government expense, for such funds as may be necessary to postpone utilization, operate, or privatize the operations of the adult correctional facility located in Elliott County. Upon approval of the request by the State Budget Director, the Finance and Administration Cabinet shall approve up to $6,000,000 for fiscal year 2004-2005 and up to $6,000,000 in fiscal year 2005-2006 to be paid from the General Fund Surplus Account (KRS 48.700) or the Budget Reserve Trust Fund Account (KRS 48.705).

d. Community Services and Local Facilities

	2004-05	2005-06
General Fund	82,654,200	86,290,500
Restricted Funds	371,000	371,000
TOTAL	83,025,200	86,661,500

(1) **Probation and Parole Credit:** Notwithstanding KRS 439.344, the period of time spent on parole shall count as a part of the prisoner's remaining unexpired sentence, when it is used to determine a parolee's eligibility for a final discharge from parole as set out in KRS 439.354, or when a parolee is returned as a parole violator for a violation other than a new felony conviction.

(2) **Excess Local Jail Per Diem Costs:** In the event that actual local jail per diem payments exceed the amounts provided to support the budgeted average daily population of state felons in county jails for fiscal year 2004-2005 and fiscal year 2005-2006, the payments shall be deemed necessary governmental expenses and may be paid from the General Fund Surplus Account (KRS 48.700) or the Budget Reserve Trust Fund Account (KRS 48.705) subject to notification as to necessity and amount by the State Budget Director who shall report any certified expenditure to the Interim Joint Committee on Appropriations and Revenue.

e. Local Jail Support

	2004-05	2005-06
General Fund	15,276,100	15,276,100

(1) **Inmate Medical Care Expenses:** Included in the above General Fund appropriation is $931,100 in fiscal year 2004-2005 and $931,100 in fiscal year 2005-2006 for medical care contracts to be distributed, upon approval of the Department of Corrections, to counties by the formula codified in KRS 441.206; $295,900 in fiscal year 2004-2005 and $295,900 in fiscal year 2005-2006 is provided, on a partial reimbursement basis, for medical claims in excess of the statutory threshold pursuant to KRS 441.045. The funding support for medical contracts and catastrophic medical expenses for indigents shall be maintained in discrete accounts. Any medical claim which exceeds the statutory threshold may be reimbursed for that amount in excess of the statutory threshold. In no event shall this apply to expenses of an elective, as opposed to emergency basis, and expenses shall be paid according to the Kentucky Medical Assistance Schedule.

TOTAL - CORRECTIONS

	2004-05	2005-06
General Fund	309,651,500	313,791,700
Restricted Funds	19,274,800	19,274,800
Federal Funds	1,236,800	365,200
TOTAL	330,163,100	333,431,700

3. KENTUCKY AGENCY FOR SUBSTANCE ABUSE POLICY

	2004-05	2005-06
General Fund (Tobacco)	2,226,800	2,222,700
Federal Funds	111,700	111,700
TOTAL	2,338,500	2,334,400

4. VEHICLE ENFORCEMENT

	2004-05	2005-06
Restricted Funds	329,200	329,200
Federal Funds	3,614,800	3,787,100
Road Fund	12,215,700	12,518,100
TOTAL	16,159,700	16,634,400

TOTAL - JUSTICE AND PUBLIC SAFETY CABINET

	2004-05	2005-06
General Fund (Tobacco)	2,226,800	2,222,700
General Fund	467,681,600	474,904,400
Restricted Funds	79,445,100	79,247,200
Federal Funds	49,939,900	44,203,100
Road Fund	52,215,700	52,518,100
TOTAL	651,509,100	653,095,500

J. POSTSECONDARY EDUCATION

Budget Units

1. COUNCIL ON POSTSECONDARY EDUCATION

	2003-04	2004-05	2005-06
General Fund (Tobacco)	-0-	5,431,300	5,421,300
General Fund	4,000,000	112,264,900	136,482,000

Restricted Funds	-0-	2,677,800	1,468,900
Federal Funds	788,800	19,099,400	19,099,400
TOTAL	4,788,800	139,473,400	162,471,600

(1) Current Year Appropriations: Included in the above General Fund appropriation is $4,000,000 in fiscal year 2003-2004 for the Student Financial Aid and Advancement Trust Fund and included in the above Federal Funds appropriation is $788,800 in fiscal year 2003-2004 for the GEAR UP Program.

(2) Debt Service: Included in the above General Fund appropriation for the Research Challenge Trust Fund is $1,907,500 in fiscal year 2005-2006 for debt service to support the Research related capital project appropriations authorized in Part II, Capital Projects Budget, of this Act.

Included in the above General Fund appropriation for the Physical Facilities Fund is $527,000 in fiscal year 2004-2005 and $17,728,500 in fiscal year 2005-2006 for debt service to support new bonds as set forth in Part II of this Act, for Postsecondary Education institutions.

(3) Carry Forward of General Fund Appropriations: Notwithstanding KRS 45.229, the General Fund appropriation in fiscal years 2003-2004 and 2004-2005 to the Adult Education and Literacy Funding Program shall not lapse.

Notwithstanding KRS 45.229, the General Fund appropriation in fiscal years 2003-2004 and 2004-2005 to the Science and Technology Funding Program shall not lapse.

(4) Strategic Investment and Incentive Trust Funds Interest Income: Notwithstanding KRS 164.7911, 164.7913, 164.7915, 164.7917, 164.7919, 164.7921, 164.7923, 164.7925, and 164.7927, interest earnings in the amount of $820,000 in fiscal year 2004-2005 and $393,900 in fiscal year 2005-2006 shall be transferred from Strategic Investment and Incentive Trust Funds included under these statutes to Agency Revenue accounts within the Council on Postsecondary Education budget unit in the following amounts and for the following specified purposes: $100,000 in fiscal year 2004-2005 for the Contract Spaces Program, $105,500 in each year of the biennium for the Minority Student College Preparation program, $188,400 in each year of the biennium for the Southern Regional Board Doctoral Scholars program, and $100,000 in each year of the biennium for the P-16 Council/Early Math Testing programs, and $326,100 in fiscal year 2004-2005 for the Knowledge-Based Economy Academic program.

(5) Interest Earnings Transfer from the Strategic Investment and Incentive Trust Fund Accounts: Notwithstanding KRS 164.7911, 164.7913, 164.7915, 164.7917, 164.7919, 164.7921, 164.7923, 164.7925, and 164.7927, any expenditures from the Strategic Investment and Incentive Trust Fund accounts in excess of appropriated amounts by the Council on Postsecondary Education shall be subject to KRS 48.630.

(6) Kentucky Science and Technology Corporation: Notwithstanding KRS 164.6017, the Kentucky Science and Technology Corporation shall submit an annual plan detailing the annual allocation of funds from the Science and Technology Funding Program, excluding funds for the Knowledge-Based Economy Academic Programs, for review and approval by the Council on Postsecondary Education and the Office of the Commissioner for the New Economy within the Cabinet for Economic Development, prior to the Council on Postsecondary Education executing a contract with the Corporation to administer Science and Technology Funding programs.

(7) Tuition Affordability: The Council on Postsecondary Education should endeavor to minimize tuition increases to the extent possible and maintain Kentucky's affordability in providing postsecondary education for Kentuckians.

(8) Past Enrollment Growth Funding: Included in the above General Fund appropriation is $5,000,000 in fiscal year 2005-2006 to be allocated by the Council on Postsecondary Education among the postsecondary education institutions to rebalance the base funding of the institutions in the context of significant and disproportionate student enrollment growth over the past several years.

(9) Lung Cancer Research: Notwithstanding KRS 48.310, the following statutes shall be amended or created as follows and shall have permanent effect, subject to future actions by the General Assembly:

Section 1. KRS 164.476 is amended to read as follows:

(1) The "Lung Cancer Research Fund" is created and shall receive funds each year from the Kentucky health care improvement fund in the amount specified in KRS 304.17B-003(5)(b). The lung cancer research fund shall be used to finance the Lung Cancer Research Project described in subsection (5) of this section. No revenues from the lung cancer research fund shall be allocated until the board has adopted the strategic plan described in subsections (5) and (6) of this section.

(2) A research consortium between the University of Kentucky and the University of Louisville is created and shall be known as the Governance Board of the Lung Cancer Research Project. The consortium shall be attached to the Council on Postsecondary Education for administrative purposes.

(3) The board shall consist of nine (9) members appointed by the Governor as follows:

  (a) Two (2) members shall be from the faculty of the School of Medicine at the University of Kentucky;

  (b) Two (2) members shall be from the faculty of the School of Medicine at the University of Louisville;

  (c) Two (2) members shall be from the Council on Postsecondary Education; and

(d) Three (3) members shall be from the state at large, one (1) of whom shall be appointed chair by the Governor.

(4) Except as provided in paragraphs (a) to (d) of this subsection, the terms of the members shall be for four (4) years and until their successors are appointed and confirmed. A vacancy on the board shall be filled for the remainder of the unexpired term in the same manner as the original appointment. Members may be reappointed. The initial appointments shall be for staggered terms, as follows:

(a) Two (2) members shall be appointed for one (1) year;

(b) Two (2) members shall be appointed for two (2) years;

(c) Two (2) members shall be appointed for three (3) years; and

(d) Three (3) members shall be appointed for four (4) years.

(5) The Governance Board of the Lung Cancer Research Project shall develop and oversee the implementation of a twenty (20) year strategic plan that utilizes the resources of both the University of Louisville and the University of Kentucky in establishing the Lung Cancer Research Project. The Lung Cancer Research Project shall be a joint program to:

(a) Develop an expertise in the area of lung cancer research with an immediate focus on early detection and epidemiology and with an ultimate goal of eradication of lung cancer;

(b) Establish a statewide clinical trial network to make university-based clinical trials available to the community physician in order to bring the most innovative cancer treatments to all Kentuckians in need of these treatments;

(c) Leverage the resources earmarked for the Lung Cancer Research Project toward the certification of the cancer program at the University of Kentucky and the University of Louisville by the National Cancer Institute as a cancer center;[~~ and~~]

(d) *Solicit and receive gifts or donations from private or public sources. All funds received by the board shall be placed in the Kentucky Lung Cancer Research Fund;*

(e) Designate either the University of Kentucky or the University of Louisville to serve as the contracting authority for the clinical research; and

(f) Undertake other initiatives consistent with the strategic plan.

(6) The strategic plan shall identify both short-term and long-term goals and the appropriate oversights to measure progress toward achievement of those goals; it shall be updated every two (2) years.

(7) *The institutional review board at the University of Kentucky, the University of Louisville, or a commercial institutional review board contracted with the university designated pursuant to subsection (5)(e) of this section shall be the institutional review board for investigational sites participating in the clinical trial network that are not associated with an established institutional review board.*

(8) The Governance Board of the Lung Cancer Research Project shall submit an annual report to the Governor and the Legislative Research Commission by September 1 each year for the preceding fiscal year, outlining its activities and expenditures.

(9)[~~(8)~~] The Auditor of Public Accounts, on an annual basis, shall conduct a thorough review of all expenditures from the lung cancer research fund and, if necessary in the opinion of the Auditor, the operations of the Lung Cancer Research Project and the lung cancer research fund.

SECTION 2. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO READ AS FOLLOWS:

No member of an institutional review board, established in accordance with federal law, shall be personally liable in any civil action for damage or injury caused to a research subject in the performance of his or her role as an institutional review board member, including reviews under the federal Health Insurance Portability and Accountability Act, unless the member's actions were manifestly outside the scope of the institutional review board's functions, or unless the member acted with malicious purpose, in bad faith, or in a wanton or reckless manner.

(10) Reciprocity: The Council on Postsecondary Education shall review all existing and future tuition reciprocity agreements, in which the Commonwealth of Kentucky is a party, to determine that appropriations to Kentucky postsecondary education institutions are not used to subsidize the cost of nonresident students' education.

(11) Manchester Postsecondary Education Center: The Council on Postsecondary Education shall determine the education needs, demands, and challenges of the Manchester region for which they will make a recommendation for the level of services to be delivered by the Manchester Postsecondary Education Center. Also, the Council shall determine the appropriate administrative unit to which the Center is to be attached.

2. KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY

	2004-05	**2005-06**
General Fund (Tobacco)	900,000	900,000
General Fund	74,138,400	89,016,600
Restricted Funds	102,661,700	104,777,300
Federal Funds	1,714,900	1,726,000

TOTAL		179,415,000	196,419,900

(1) **College Access Program:** Notwithstanding KRS 154A.130(4), included in the above General Fund appropriation is $45,442,900 for the College Access Program in fiscal year 2004-2005 and $54,763,400 in fiscal year 2005-2006.

(2) **Kentucky Tuition Grant Program:** Notwithstanding KRS 154A.130(4), included in the above General Fund appropriation is $22,975,500 for the Kentucky Tuition Grant Program in fiscal year 2004-2005 and $28,470,000 in fiscal year 2005-2006.

(3) **Teacher Scholarship Program:** Notwithstanding KRS 154A.130(4), included in the above General Fund appropriation for the Teacher Scholarship Program is $1,681,600 in fiscal year 2004-2005 and $1,681,600 in fiscal year 2005-2006.

(4) **Kentucky's Affordable Prepaid Tuition (KAPT):** Notwithstanding KRS 164A.707, no new prepaid tuition contracts for KAPT shall be entered into. Purchasers of prepaid tuition contracts may continue to make contributions to prepaid tuition accounts according to the provisions of the contract entered into with the Board of Directors of the Commonwealth Postsecondary Education Prepaid Tuition Trust Fund.

(5) **Tobacco Settlement Funds:** Included in the above General Fund (Tobacco) appropriation is $900,000 in fiscal year 2004-2005 and $900,000 in fiscal year 2005-2006 for Early Childhood Scholarships.

3. EASTERN KENTUCKY UNIVERSITY

	2003-04	**2004-05**	**2005-06**
General Fund	-0-	71,047,200	72,888,300
Restricted Funds	394,200	99,016,500	108,857,500
Federal Funds	-0-	45,655,400	47,929,900
TOTAL	394,200	215,719,100	229,675,700

(1) **Current Year Appropriation:** Included in the above Restricted Funds appropriation is $394,200 in fiscal year 2003-2004 to be expended for general operating expenses and purposes specific to grants and contracts.

(2) **Debt Service:** Included in the above General Fund appropriation is $3,311,200 in fiscal year 2004-2005 and $3,848,000 in fiscal year 2005-2006 for debt service for previously issued bonds.

4. KENTUCKY COMMUNITY AND TECHNICAL COLLEGE SYSTEM (KCTCS)

	2003-04	**2004-05**	**2005-06**
General Fund	-0-	181,289,900	181,315,700
Restricted Funds	-0-	195,586,100	217,738,000
Federal Funds	30,071,300	114,023,700	129,987,000
TOTAL	30,071,300	490,899,700	529,040,700

(1) **Current Year Appropriation:** Included in the above Federal Funds appropriation is $30,071,300 in fiscal year 2003-2004 to be expended for specific federal grants and contracts purposes.

(2) **Debt Service:** Included in the above General Fund appropriation is $6,008,100 in fiscal year 2004-2005 and $5,987,100 in fiscal year 2005-2006 for debt service for previously issued bonds.

(3) **Firefighters Foundation Program Fund:** Included in the above Restricted Funds appropriation is $24,300,500 in fiscal year 2004-2005 and $25,198,700 in fiscal year 2005-2006 for the Firefighters Foundation Program Fund. Notwithstanding KRS 95A.250(1), or the provisions of any other law, supplemental payments for each qualified professional firefighter under the Firefighters Foundation Program Fund shall be $3,100 in fiscal year 2004-2005 and $3,100 in fiscal year 2005-2006. Notwithstanding KRS 95A.200 to 95A.265, an additional $1,000,000 each year from the Firefighters Foundation Program Fund is authorized to be expended on firefighter training, equipment, and support activities.

(4) **Firefighters Training Center Fund:** Notwithstanding KRS 95A.200 to 95A.265, $500,000 is provided each fiscal year of the 2004-2006 fiscal biennium for the Firefighters Training Center Fund.

(5) **Postsecondary Workforce Training Program:** Included in the above General Fund appropriation is $6,000,000 each year of the biennium for the Postsecondary Workforce Training Program to be used for worker training programs. These funds shall be used specifically to meet the customized workforce training needs of individual companies or consortia of companies.

5. KENTUCKY STATE UNIVERSITY

	2003-04	**2004-05**	**2005-06**
General Fund	-0-	23,414,900	23,296,000
Restricted Funds	-0-	14,176,500	14,176,500
Federal Funds	1,528,600	13,259,000	13,259,000
TOTAL	1,528,600	50,850,400	50,731,500

(1) Current Year Appropriation: Included in the above Federal Funds appropriation is $1,528,600 in fiscal year 2003-2004 to be expended for specific federal grants and contracts purposes.

(2) Debt Service: Included in the above General Fund appropriation is $1,664,900 in fiscal year 2004-2005 and $873,500 in fiscal year 2005-2006 for debt service for previously issued bonds.

6. MOREHEAD STATE UNIVERSITY

	2003-04	**2004-05**	**2005-06**
General Fund	-0-	41,550,300	41,806,700
Restricted Funds	4,942,700	58,397,300	58,585,200
Federal Funds	-0-	36,752,900	36,674,500
TOTAL	4,942,700	136,700,500	137,066,400

(1) Current Year Appropriation: Included in the above Restricted Funds appropriation is $4,942,700 in fiscal year 2003-2004 to be expended for general operating expenses and purposes specific to grants and contracts.

(2) Debt Service: Included in the above General Fund appropriation is $1,403,600 in fiscal year 2004-2005 and $1,411,200 in fiscal year 2005-2006 for debt service for previously issued bonds.

7. MURRAY STATE UNIVERSITY

	2003-04	**2004-05**	**2005-06**
General Fund	-0-	50,203,000	51,434,200
Restricted Funds	3,890,100	60,392,600	64,150,700
Federal Funds	-0-	13,393,300	13,393,300
TOTAL	3,890,100	123,988,900	128,978,200

(1) Current Year Appropriation: Included in the above Restricted Funds appropriation is $3,890,100 in fiscal year 2003-2004 to be expended for general operating expenses and purposes specific to grants and contracts.

(2) Debt Service: Included in the above General Fund appropriation is $1,908,400 in fiscal year 2004-2005 and $1,909,600 in fiscal year 2005-2006 for debt service for previously issued bonds.

8. NORTHERN KENTUCKY UNIVERSITY

	2003-04	**2004-05**	**2005-06**
General Fund	-0-	45,068,500	45,823,600
Restricted Funds	13,226,200	92,525,000	101,001,000
Federal Funds	3,461,600	11,130,700	11,130,700
TOTAL	16,687,800	148,724,200	157,955,300

(1) Current Year Appropriation: Included in the above Restricted Funds appropriation is $13,226,200 in fiscal year 2003-2004 to be expended for general operating expenses and purposes specific to grants and contracts. Included in the above Federal Funds appropriation is $3,461,600 in fiscal year 2003-2004 to be expended for specific federal grants and contracts purposes.

(2) Debt Service: Included in the above General Fund appropriation is $4,974,500 in fiscal year 2004-2005 and $4,731,700 in fiscal year 2005-2006 for debt service for previously issued bonds.

9. UNIVERSITY OF KENTUCKY

	2004-05	**2005-06**
General Fund	304,396,200	306,864,200
Restricted Funds	957,076,400	995,223,100
Federal Funds	170,696,000	175,533,600
TOTAL	1,432,168,600	1,477,620,900

(1) Debt Service: Included in the above General Fund appropriation is $7,143,500 in fiscal year 2004-2005 and $7,219,900 in fiscal year 2005-2006 for debt service for previously issued bonds for the University of Kentucky.

(2) Lexington Community College: Included in the above General Fund appropriation is $9,060,600 in fiscal year 2004-2005 and $9,060,600 in fiscal year 2005-2006 to support the operations of the Lexington Community College, of which $738,800 in fiscal year 2004-2005 and $742,500 in fiscal year 2005-2006 is for debt service for previously issued bonds.

Included in the above Restricted Funds appropriation is $17,871,800 in fiscal year 2004-2005 and $18,971,600 in fiscal year 2005-2006 to support the operations of the Lexington Community College.

Included in the above Federal Funds appropriation is $8,877,300 in fiscal year 2004-2005 and $8,937,600 in fiscal year 2005-2006 to support the operations of the Lexington Community College.

(3) Ovarian Cancer: Notwithstanding KRS 164.7911 to 164.7927, General Fund (Tobacco) dollars in the amount of

$775,000 each fiscal year shall be allotted from the Research Challenge Trust Fund's Lung Cancer Research Program to the Ovarian Cancer Screening Outreach Program at the University of Kentucky. The Ovarian Cancer Screening Outreach Program may accept gifts, grants, and bequests in support of its mission and duties. All funds received shall be administered by the University of Kentucky through appropriate trust and agency accounts.

(4) **Oral History Program:** Notwithstanding KRS 7B.080, $500,000 is provided from the Kentucky Long-Term Policy Research Center Fund in fiscal year 2004-2005 for the University of Kentucky Oral History Program. The program shall be named the University of Kentucky/Louie B. Nunn Oral History Program. These funds are eligible to be matched by the Research Trust Challenge Grant.

10. UNIVERSITY OF LOUISVILLE

	2003-04	2004-05	2005-06
General Fund	-0-	172,263,200	174,188,800
Restricted Funds	18,289,400	357,507,500	390,008,200
Federal Funds	22,392,400	80,500,500	87,818,700
TOTAL	40,681,800	610,271,200	652,015,700

(1) **Current Year Appropriations:** Included in the above Restricted Funds appropriation is $18,289,400 in fiscal year 2003-2004 to be expended for general operating expenses and purposes specific to grants and contracts. Included in the above Federal Funds appropriation is $22,392,400 in fiscal year 2003-2004 to be expended for specific federal grants and contracts purposes.

(2) **Debt Service:** Included in the above General Fund appropriation is $11,142,500 in fiscal year 2004-2005 and $11,182,900 in fiscal year 2005-2006 for debt service for previously issued bonds.

(3) **Quality and Charity Care Trust Agreement:** Also included in the above General Fund appropriation is $17,693,200 in fiscal year 2004-2005 and $18,070,100 in fiscal year 2005-2006 to fulfill the Commonwealth's contractual obligation relating to indigent care furnished via the Quality and Charity Care Trust Agreement.Notwithstanding KRS 45.229, the General Fund appropriation related to the Quality and Charity Trust Agreement in fiscal years 2003-2004 and 2004-2005 shall not lapse.

11. WESTERN KENTUCKY UNIVERSITY

	2003-04	2004-05	2005-06
General Fund	-0-	68,878,400	70,348,900
Restricted Funds	19,323,900	126,586,000	138,009,000
Federal Funds	-0-	35,600,000	39,071,000
TOTAL	19,323,900	231,064,400	247,428,900

(1) **Current Year Appropriation:** Included in the above Restricted Funds appropriation is $19,323,900 in fiscal year 2003-2004 to be expended for general operating expenses and purposes specific to grants and contracts.

(2) **Debt Service:** Included in the above General Fund appropriation. is $3,181,400 in fiscal year 2004-2005 and $3,202,200 in fiscal year 2005-2006 for debt service for previously issued bonds.

TOTAL - POSTSECONDARY EDUCATION

	2003-04	2004-05	2005-06
General Fund (Tobacco)	-0-	6,331,300	6,321,300
General Fund	4,000,000	1,144,514,900	1,193,465,000
Restricted Funds	60,066,500	2,066,603,400	2,193,995,400
Federal Funds	58,242,700	541,825,800	575,623,100
TOTAL	122,309,200	3,759,275,400	3,969,404,800

K. TRANSPORTATION CABINET

Budget Units

1. GENERAL ADMINISTRATION AND SUPPORT

	2004-05	2005-06
Restricted Funds	19,307,200	23,542,000
Road Fund	66,655,900	67,240,200
TOTAL	85,963,100	90,782,200

(1) **Debt Service:** Included in the above Road Fund appropriation is $7,317,300 in fiscal year 2004-2005 and $7,328,100 in fiscal year 2005-2006 for debt service on previously authorized bonds for the new Transportation Cabinet office building and parking structure.

(2) **Adopt-A-Highway Litter Program:** The Transportation Cabinet and Environmental and Public Protection Cabinet may receive, accept, and solicit grants, contributions of money, property, labor, or other things of value from any governmental agency, individual, nonprofit organization, or private business to be used for the Adopt-a-Highway Litter Program or other statewide litter programs. Any contribution of this nature shall be deemed to be a contribution to a state agency for a public purpose and shall be treated as Restricted Funds under KRS Chapter 45 and reported according to KRS Chapter 48, and shall not be subject to restrictions set forth under KRS Chapter 11A.

(3) **Transportation Cabinet Office Building:** The new Transportation Cabinet Office Building shall be owned by the Transportation Cabinet and any revenue generated from the leasing of office space in the new Transportation Cabinet Office Building shall be deposited in the Road Fund.

(4) **Child Sexual Abuse License Plate Revenue:** Notwithstanding KRS 186.1867, the Transportation Cabinet shall review the costs related to the distribution of child victims' license plates. Any revenue received from the sale or renewal of those plates in excess of actual costs shall be transferred to the Child Victims' Trust Fund on an annual basis.

(5) **Biennial Highway Construction Programs:** Notwithstanding KRS 176.440(2), any project additions or modifications that the 2004 General Assembly may make to the fiscal year 2005-2010 Recommended Six Year Road Plan shall carry the same force of law as projects that were included in the fiscal year 2005-2010 Recommended Six Year Road Plan as submitted by the Executive Branch.

2. AIR TRANSPORTATION

	2004-05	2005-06
Restricted Funds	5,500,000	5,500,000
Federal Funds	15,000	9,700
TOTAL	5,515,000	5,509,700

(1) **Operational Costs:** Notwithstanding KRS 183.525(5), the Restricted Funds appropriation above includes operational costs of the program.

(2) **Certified Air Carriers and Cap on Sales and Use Tax:** The sales and use tax credit shall be an amount equal to the Kentucky sales and use tax otherwise applicable to aircraft fuel, including jet fuel, purchased by the certificated air carrier for its storage, use, or other consumption during the annual period, less $1,000,000. The $1,000,000 amount shall be increased to reflect the Kentucky sales and use tax on aviation fuel attributable to operations of any other company purchased, merged, acquired, or otherwise combined with the certificated air carrier after the base period. The amount of the increase shall be based on the Kentucky sales and use tax applicable to such aircraft fuel purchased during the 12-month period immediately preceding the purchase, merger, or other acquisition by or combination with the certificated air carrier.

(3) **Bluegrass Field Airport:** No appropriations to the Air Transportation budget unit shall be utilized for the purpose of studying, planning, or contruction of an additional runway at Bluegrass Field Airport.

3. DEBT SERVICE

	2004-05	2005-06
Road Fund	125,647,500	144,238,000

(1) **Toll Road Lease-Rental Payments:** Included in the above Road Fund appropriation is $7,928,800 in fiscal year 2004-2005 and $7,815,500 in fiscal year 2005-2006 for toll road lease-rental payments.

(2) **Resource Recovery Road Lease-Rental Payments:** Included in the above Road Fund appropriation is $38,831,600 in fiscal year 2004-2005 and $38,828,600 in fiscal year 2005-2006 for Resource Recovery Road lease-rental payments. The Secretary of the Transportation Cabinet shall use Road Fund resources to meet the lease-rental payments to the Kentucky Turnpike Authority for Resource Recovery Road projects in the amount certified by the Transportation Cabinet, pursuant to KRS 143.090. However, if Road Fund resources are not sufficient to meet lease-rental payments, the additional amount required to meet the obligation shall be transferred from the proceeds of the tax levied on the severance or processing of coal by KRS 143.020.

(3) **Economic Development Road Lease-Rental Payments:** Included in the above Road Fund appropriation is $69,353,100 in fiscal year 2004-2005 and $78,525,900 in fiscal year 2005-2006 for Economic Development Road lease-rental payments relating to projects financed by Economic Development Road Revenue Bonds previously issued by the Kentucky Turnpike Authority.

(4) **Economic Development Bond Funds:** Included in the above Road Fund appropriation is $9,534,000 in fiscal year 2004-2005 and $19,068,000 in fiscal year 2005-2006 for Economic Development Road lease-rental payments to the Turnpike Authority of Kentucky relating to projects financed by $200,000,000 in Economic Development Road Revenue Bonds hereby authorized by the General Assembly to be issued in the 2004-2006 fiscal biennium for payment of the cost of the Economic Development Road Projects.

(5) **Excess Lease-Rental Payments:** Any moneys not required to meet lease-rental payments or to meet the administrative costs of the Kentucky Turnpike Authority shall be transferred to the State Construction account.

(6) **Debt Payment Acceleration Fund Account:** Notwithstanding KRS 175.505, no portion of the revenues to the

state Road Fund provided by the adjustments in KRS 138.220(2), excluding KRS 177.320 and 177.365, shall accrue to the Debt Payment Acceleration Fund account during the 2004-2006 fiscal biennium.

4. **HIGHWAYS**

	2004-05	**2005-06**
Restricted Funds	86,858,800	157,222,100
Federal Funds	662,974,700	678,579,900
Road Fund	641,252,700	641,557,300
Bond Funds	200,000,000	-0-
TOTAL	1,591,086,200	1,477,359,300

(1) **Debt Service:** Included in the above Federal Funds appropriation is $15,842,500 in fiscal year 2004-2005 and $15,838,300 in fiscal year 2005-2006 for debt service on Grant Anticipation Revenue Vehicle (GARVEE) bonds.

(2) **State Supported Construction Programs:** Included in the above Road Fund appropriation is $364,269,600 in fiscal year 2004-2005 and $356,980,300 in fiscal year 2005-2006 for the State Supported Construction Program.

(3) **State Resurfacing Program:** Included in the State Supported Construction Program is $67,320,000 in fiscal year 2004-2005 and $67,320,000 in fiscal year 2005-2006 from the Road Fund for the State Resurfacing Program.

(4) **Specialized Contracts Account:** Included in the State Supported Construction Program is $100,000 in fiscal year 2004-2005 and $100,000 in fiscal year 2005-2006 from the Road Fund for the Specialized Contracts Account.

(5) **Biennial Highway Construction Program:** Included in the State Supported Construction Program is $266,399,600 in fiscal year 2004-2005 and $265,060,300 in fiscal year 2005-2006 from the Road Fund for state construction projects in the fiscal biennium 2004-2006 Biennial Highway Construction Program. Included within the above Road Fund appropriation is $2,500,000 in fiscal year 2004-2005 and $2,500,000 in fiscal year 2005-2006 to support the Kentucky Pride Fund created in KRS 224.43-505.

(6) **Highway Construction Contingency Account:** Included in the State Supported Construction Program is $30,450,000 in fiscal year 2004-2005 and $24,500,000 in fiscal year 2005-2006 for the Highway Construction Contingency Account. Included within the above Road Fund appropriation is $2,500,000 in fiscal year 2004-2005 and $2,500,000 in fiscal year 2005-2006 to support the Kentucky Pride Fund created in KRS 224.43-505.

(7) **2004-2006 Biennial Highway Construction Plan:** Projects in the enacted 2002-2004 Biennial Highway Construction Plan are authorized to continue their current authorization into the 2004-2006 fiscal biennium.

(8) **Kentucky Transportation Center:** Notwithstanding KRS 177.320(4), included in the above Road Fund appropriation is $290,000 in fiscal year 2004-2005 and $290,000 in fiscal year 2005-2006 for the Kentucky Transportation Center.

(9) **New Highway Equipment Purchases:** Notwithstanding KRS 48.710, Restricted Funds are appropriated in the amount of $1,500,000 in fiscal year 2004-2005 and $1,500,000 in fiscal year 2005-2006 from the sale of surplus equipment to purchase new highway equipment.

(10) **State Match Provisions:** The Transportation Cabinet is authorized to utilize state construction moneys or toll credits to match federal highway moneys in the event that unanticipated additional Federal Funds are provided to Kentucky and the state match appropriations have been exhausted.

(11) **Excess Debt Service/Lease-Rental Appropriations:** Any Road Fund appropriations that are not needed to pay lease-rental payments to the Kentucky Turnpike Authority or debt service on the new Transportation Cabinet Office Building shall be credited to the State Construction Account.

(12) **Federal Aid Highway Funds:** If additional federal highway moneys are made available to Kentucky by the United States Congress, the funds shall be used according to the following priority: (a) Any demonstration-specific or project-specific money shall be used on the project identified; and (b) All other funds shall be used to ensure that projects in the fiscal biennium 2004-2006 Biennial Highway Construction Plan are funded. If additional federal moneys remain after these priorities are met, the Transportation Cabinet may select projects from the Four Year Preconstruction Program.

(13) **Demonstration Projects:** The Transportation Cabinet is authorized to select up to five design/build demonstration road related projects. For procurement purposes, the Transportation Cabinet shall utilize a qualifications-based bidding process within the context of the provisions of KRS Chapter 176, notwithstanding any conflicting provisions of KRS Chapters 45A, 176, and 177. The Secretary of the Transportation Cabinet shall determine the nature and scope of each design/build project.

(14) **Road Fund Cash Management:** The Secretary of the Transportation Cabinet is authorized to continue the cash management to address the policy of the General Assembly to expeditiously initiate and complete projects in the fiscal biennium 2004-2006 Biennial Highway Construction Plan. Notwithstanding KRS Chapter 45, specifically including KRS 45.242 and 45.244, the Secretary may concurrently advance projects in the Biennial Highway Construction Plan by employing management techniques that maximize the Cabinet's ability to contract for and effectively administer the project work. Under the approved Cash Management Plan, the Secretary is directed to continuously ensure that the unspent project and Road Fund balances available to the Transportation Cabinet are sufficient to meet expenditures consistent with appropriations provided.

(15) Biennial Highway Construction Program: In the event that federally funded projects contained in the enacted fiscal biennium 2004-2006 Biennial Highway Construction Program are delayed due to unforeseen circumstances, or if additional Federal Funds are received in excess of the amounts contemplated in this Act, the Transportation Cabinet may advance projects from the Highway Preconstruction Program Plan only to the extent required to ensure that the Commonwealth makes full use of all available Federal Funds.

(16) Grant Anticipation Revenue Vehicle (GARVEE) Bonds: Included in the above Restricted Funds appropriation is $23,000,000 in fiscal year 2004-2005 and $93,000,000 in fiscal year 2005-2006 for GARVEE Bond Funds. If project requirements or market conditions warrant issuance of the entire $116,000,000 GARVEE bond issue prior to fiscal year 2005-2006, that authority is approved, subject to the Federal Funds debt service appropriations contained in this section.

(17) Road Fund Bonds: The above Economic Development Bond Funds appropriation shall be used to fund projects contained within the Six Year Road Plan.

(18) Miscellaneous Road Fund Projects:

Surplus Property: The Big Creek Toll Facility located on the Hal Rogers Parkway, formerly known as the Daniel Boone Parkway, is hereby declared surplus and the Cabinet is directed to transfer the property to the Clay County Fiscal Court as of the effective date of this Act, for the use and benefit of the Big Creek Fire Department and Rescue Squad.

Land Parcel 66, located at the junction of KY 229 and the Cumberland Gap Parkway, is hereby declared surplus and the Cabinet is directed to transfer the property to the Knox County Fiscal Court as of the effective date of this Act, for the use and benefit of the Bailey Switch Volunteer Fire Department.

Access Points: The Transportation Cabinet shall grant the Woodford County Fire Department an Encroachment Permit for emergency vehicles to enter and exit directly onto US 421 from the Midway Fire Station.

The Transportation Cabinet shall extend access by permit about 1,500 feet north of KY 911 along the proposed US 41A project in Christian County.

(19) Programmatic Adjustments: The Secretary of Transportation is authorized to adjust the specific sums comprising the Highways appropriation programs enumerated above, for the purpose of enhancing public safety, maximizing available Federal Funds, supporting economic development, and accelerating state construction projects.

(20) Toll Road Facilities: If Federal Funds become available to the state to support retirement of toll roads debt, then each affected toll road facility within the Commonwealth shall close and all affected toll road employees shall be reassigned within the Transportation Cabinet.

(21) Location of Proposed I-66: The location of proposed I-66 in the South Central Kentucky area shall be limited to alternative highway corridors extending from the Louie B. Nunn Parkway, formerly known as the Cumberland Parkway, to the Natcher Parkway north of the City of Bowling Green.

The proposed I-66 corridor through the Purchase Area shall include the corridor through Ballard County, exiting the state of Kentucky at Wickliffe, Kentucky.

5. JUDGMENTS

(1) Payment of Judgments: Road Fund resources required to pay judgments shall be transferred from the State Construction Account at the time when actual payments must be disbursed from the State Treasury.

(2) Carry Forward of Funds: Notwithstanding KRS 45.229, any funds not expended by June 30, 2004, shall not lapse and shall carry forward through June 30, 2005, shall not lapse and shall carry forward through June 30, 2006.

6. PUBLIC TRANSPORTATION

	2004-05	**2005-06**
General Fund	4,753,400	4,753,400
Restricted Funds	500,000	508,900
Federal Funds	27,227,600	27,230,900
TOTAL	32,481,000	32,493,200

(1) Human Services Transportation Delivery Program: Consistent with other provisions of this Act, the Human Services Transportation Delivery Program shall continue to be operated under KRS 281.870, 281.872, 281.873, 281.874, 281.875, 281.876, 281.877, 281.878, and 281.879.

(2) Nonpublic School Transportation: Included in the above General Fund Appropriation in $2,500,000 in fiscal year 2004-2005 and $2,500,000 in fiscal year 2005-2006 for nonpublic school transportation.

(3) Toll Credits: The Transportation Cabinet is authorized to use Toll Credits to match federal funds for transit systems capital grants.

7. REVENUE SHARING

	2004-05	**2005-06**
Road Fund	228,298,300	231,976,100

(1) **County Road Aid Program Center:** Included in the above Road Fund appropriation is $86,421,800 in fiscal year 2004-2005 and $87,821,800 in fiscal year 2005-2006 for the County Road Aid Program in accordance with KRS 177.320, 179.410, 179.415, and 179.440. Notwithstanding KRS 177.320(2), the above amounts have been reduced by $38,000 in fiscal year 2004-2005 and $38,000 in fiscal year 2005-2006 which has been appropriated to the Highways appropriation unit for the support of the Kentucky Transportation Center.

(2) **Rural Secondary Program:** Included in the above Road Fund appropriation is $104,839,700 in fiscal year 2004-2005 and $106,538,000 in fiscal year 2005-2006 for the Rural Secondary Program in accordance with KRS 177.320, 177.330, 177.340, 177.350, and 177.360. Notwithstanding KRS 177.320(1), the above amounts have been reduced by $46,000 in fiscal year 2004-2005 and $46,000 in fiscal year 2005-2006 which has been appropriated to the Department of Highways appropriation unit for the support of the Kentucky Transportation Center.

(3) **Municipal Road Aid Program:** Included in the above Road Fund appropriation is $36,363,300 in fiscal year 2004-2005 and $36,952,300 in fiscal year 2005-2006 for the Municipal Road Aid Program in accordance with KRS 177.365, 177.366, and 177.369. Notwithstanding KRS 177.365(1), the above amounts have been reduced by $16,000 in fiscal year 2004-2005 and $16,000 in fiscal year 2005-2006 which has been appropriated to the Department of Highways appropriation unit for the support of the Kentucky Transportation Center.

(4) **Energy Recovery Road Fund:** Included in the above Road Fund appropriation is $673,500 in fiscal year 2004-2005 and $664,000 in fiscal year 2005-2006 for the Energy Recovery Road Fund in accordance with KRS 177.977, 177.9771, 177.9772, 177.978, 177.979, and 177.981.

8. VEHICLE REGULATION

	2004-05	**2005-06**
Restricted Funds	3,868,000	4,040,400
Federal Funds	842,700	894,700
Road Fund	16,084,000	16,148,000
TOTAL	20,794,700	21,083,100

(1) **Motorcycle Education Program:** Notwithstanding KRS 186.890(1) and (2), all revenues from the collection of fees relating to the Motorcycle Safety Education Program Fund shall be utilized to provide motorcycle safety programs. No administrative costs for other programs or budget units within the Transportation Cabinet shall be deducted from the Motorcycle Safety Education Program. The Transportation Cabinet shall report biennially to the Interim Joint Committee on Appropriations and Revenue of the revenues deposited to the Fund, the expenditures incurred, and available balances. In addition, the Cabinet shall identify the safety programs provided, the cost of the programs, location, and number of attendees.

TOTAL - TRANSPORTATION CABINET

	2004-05	**2005-06**
General Fund	4,753,400	4,753,400
Restricted Funds	116,034,000	190,813,400
Federal Funds	691,060,000	706,715,200
Road Fund	1,077,938,400	1,101,159,600
Bond Funds	200,000,000	-0-
TOTAL	2,089,785,800	2,003,441,600

PART II

CAPITAL PROJECTS BUDGET

(1) **Capital Construction Fund Appropriations and Reauthorizations:** Moneys in the Capital Construction Fund are appropriated for the following capital projects subject to the conditions and procedures in this Act. Items listed without appropriated amounts are previously authorized for which no additional amount is required. These items are listed in order to continue their current authorization into the 2004-2006 fiscal biennium. Unless otherwise specified, reauthorized projects shall conform to the original authorization enacted by the General Assembly.

(2) **Expiration of Existing Line-Item Capital Construction Projects:** All appropriations to existing line-item capital construction projects expire on June 30, 2004, unless reauthorized in this Act with the following exceptions: (a) A construction contract for the project shall have been awarded by June 30, 2004; (b) Permanent financing or a short-term line of credit sufficient to cover the total authorized project scope shall have been obtained in the case of projects authorized for bonds; (c) Grant or loan agreements, if applicable, shall have been finalized and properly signed by all necessary parties; and (d) Any capital construction project authorized pursuant to actions approved by the 2003 General Assembly in House Bill 269 (2003 Ky. Acts ch. 156, Part II, R. Coal Severance Tax Projects), unless otherwise provided for in this Act is deemed to be reauthorized up to the total amount of receipts allocated to the single county account at the end of fiscal year 2003-2004. Notwithstanding the criteria set forth in this section, the disposition of 2002-2004 biennium nonstatutory appropriated maintenance pools funded from Capital Construction Investment Income shall remain subject to the provisions of KRS 45.770(4)(c) and (d).

(3) **New Bond Projects:** Bond projects authorized for the first time in this section which have debt service supported by state General Fund appropriations are authorized in the first year of the biennium. Debt service has been included at the beginning of fiscal year 2005-2006. Except for specific projects itemized in this section, the sale of bonds to finance projects shall occur after January 1, 2005.

The sale of bonds for the Warren County Technology Center shall occur after the effective date of this Act.

The sale of the first $5,000,000 in bonds authorized for the Department for Local Government Community Economic Growth Grant Program shall occur after July 1, 2004. The sale of the additional $5,000,000 in bonds authorized for the Community Economic Growth Grant Program shall occur after January 1, 2005.

The sale of the first $41,300,000 in bonds authorized for the Renovate KY State Office Building - Phase II shall occur after January 1, 2005. The sale of the remaining $4,700,000 in bonds authorized for this project shall occur after July 1, 2005.

The sale of bonds for the following projects shall occur after July 1, 2005:

a. State Fair Board–East Wing/Hall Renovation Project;
b. Education–Replace New Lee Hall HVAC and Renovate KSD;
c. Economic Development-Airport Relocation Assistance;
d. Finance-GOT UCJIS Criminal History;
e. Finance-GOT UCJIS-Court Improvements (E-Warrants);
f. Health & Family Services–CFC Child Support Enforcement (KASES II);
g. KSP-Construct Kentucky Public Safety Training Center;
h. EKU–Construct Business/Technology Center Ph. II;
i. KCTCS-Construct Owensboro Advanced Technology Center;
j. KCTCS-Ashland Community Technology Center;
k. KSU-Renovate Young Hall;
l. MoSU-Construct MSU-NASA Space Science Center;
m. MuSU-Construct New Science Complex-Phase II;
n. UK-Construct Biological/Pharmaceutical Complex;
o. UL-Construct HCS Research Facility;
p. WKU-Renovate Science Campus, Phase II;
q. UK-Construct Lexington Community College Classroom/Class Lab Building;
r. CPE-Construct Manchester Postsecondary Ed. Center;
s. KCTCS - Henderson Tri-County Technology Center;
t. KCTCS - Madisonville Technology and Coal Bed Methane Research Center; and
u. Southeastern Kentucky Regional Agriculture and Exhibition Center.

(4) **Lapse of General Fund Debt Service Appropriations for Canceled Projects:** If any authorized capital construction or major equipment projects are canceled, any General Fund appropriated debt service for those same projects shall lapse to the credit of the General Fund.

(5) **Contingent Appropriation for Base Realignment and Closure (BRAC):** Notwithstanding KRS 45.750 to 45.810, the General Assembly has determined that the Commonwealth's efforts to respond to the next phase of federal BRAC initiatives require that up to $400,000 in fiscal year 2003-2004 and up to $800,000 in fiscal year 2004-2005 be appropriated from the Capital Construction and Equipment Purchase Contingency Account to the Department of Military Affairs for use by the Adjutant General in advancing the Commonwealth's interests.

(6) **Bond Proceeds Investment Income:** Investment income earned from bond proceeds beyond that which is required to satisfy Internal Revenue Service arbitrage rebates and penalties and excess bond proceeds upon the completion of a bond-financed capital project may be used to pay debt service according to the Internal Revenue Service Code and accompanying regulations. Notwithstanding KRS 48.010(13)(b), 48.720, or any section of this Act, any funds appropriated but not required to pay debt service because of this fund source substitution shall be credited to the Statewide Deferred Maintenance Fund account each year. Unneeded debt service resulting from any other circumstance shall lapse in accordance with KRS 48.010(13)(b), 48.720, and other provisions of this Act except for the following: if the fund balance in the Emergency Repair, Maintenance, and Replacement Fund falls below $5,000,000 in fiscal year 2004-2005, any debt service lapse necessary to bring the fund balance to $5,000,000 in that fiscal year shall be credited to the Emergency Repair, Maintenance, and Replacement Fund. No transfer to the Emergency Repair, Maintenance, and Replacement Fund, or the Statewide Deferred Maintenance Fund account, shall be made based on the above provisions if the lapse from other General Fund accounts is insufficient to meet appropriations approved in other Parts of this Act.

(7) **Appropriations for Projects Not Line-Itemized:** Inasmuch as the identification of specific projects in a variety of areas of the state government cannot be ascertained with absolute certainty at this time, amounts are appropriated for specific

purposes to projects which are not individually identified in this Act in the following areas: Kentucky Infrastructure Authority Water and Sewer Projects Pool; Repair of State-Owned Dams; Land Acquisition; Property Demolition; Guaranteed Energy Savings projects; Purchase of Agricultural Conservation Easements; Wetland and Stream Mitigation; Phase I Tobacco Settlement Agricultural Development Initiative; Economic Development projects which shall include authorization for the High-Tech Construction Pool and the High-Tech Investment Pool; Infrastructure projects; Employment Services facilities projects authorized in this Part of this Act; Asbestos Abatement projects; Technology Trust Fund projects, systems, and initiatives; the Parks Renovation Project Pool; the Council on Postsecondary Education Agency Bond Pool; the Capital Renewal and Maintenance Bond Pool; and University Major Items of Equipment Pool. Any projects estimated to cost over $400,000 and equipment estimated to cost over $100,000 shall be reported to the Capital Projects and Bond Oversight Committee. All moneys transferred to the Finance and Administration Cabinet for capital construction from any appropriations, including income from investments, shall be expended, accounted for, and otherwise treated in the same manner as funds appropriated directly to the Finance and Administration Cabinet for capital construction.

(8) **Red Fox Golf Course Deauthorization:** Notwithstanding KRS 154.33-600 to 154.33-609 or any other statute or provision of law to the contrary, all remaining funds appropriated by the 1998 General Assembly and added to or reauthorized by the 2000 General Assembly or by the 2003 General Assembly for the Red Fox golf course or the Perry/Knott County Recreational Authority shall be deposited to the credit of the General Fund and the project shall be deauthorized.

A. GENERAL GOVERNMENT

Budget Units	**2004-05**	**2005-06**
1. **DEPARTMENT OF VETERANS' AFFAIRS**		
001. New State Veterans Cemetery - Central Kentucky		
Reauthorization		
002. New Veterans Cemetery - Northern Kentucky		
Reauthorization		
003. Maintenance Pool		
Investment Income	78,600	78,600
2. **KENTUCKY INFRASTRUCTURE AUTHORITY**		
001. KIA Fund A - Federally Assisted Wastewater Program		
Federal Funds	42,000,000	-0-
Bond Funds	8,400,000	-0-
TOTAL	50,400,000	-0-
002. KIA Fund F Drinking Water Revolving Loan Program		
Federal Funds	38,000,000	-0-
Bond Funds	7,600,000	-0-
TOTAL	45,600,000	-0-
003. KIA - Infrastructure for Economic Development Fund for Coal Producing Counties		
Bond Funds	50,000,000	-0-
004. KIA - Infrastructure for Economic Development Fund for Tobacco Counties		
Bond Funds	98,530,100	-0-

(1) **Statewide Water Utility Interconnection Plan:** Included in the above Bond Fund authorization is $1,000,000 for the Statewide Water Utility Interconnection Plan.

005. Carter County Fiscal Court - Olive Hill Sewer Project
Reauthorization and Reallocation ($600,000 Bond Funds)

The above project is authorized from a reallocation from the Carter County Fiscal Court - Olive Hill Water Improvements and Line Extension project (2003 Ky. Acts, ch. 156, page 1895).

006. Winchester Municipal Utilities - Skylark/Chickadee/Redwing Sanitary
Sewer Improvements
Reauthorization and Reallocation ($500,000 Bond Funds)

The above project is authorized from a reallocation from the Winchester Municipal Utilities - KY 15 Elevated Press project (2003 Ky. Acts, Ch. 156, page 1903).

007. Union County Fiscal Court - Sewer Line Project (SX21225002)
Reauthorization and Reallocation ($500,000 Restricted Funds)

The above project is authorized from a reallocation from the City of Morganfield Raw Water Main project (2003 Ky. Acts, ch. 156, page 1834).

008. Knott County Fiscal Court - Water and Sewer Hwy. 1679/550 (WX21119002)
Reauthorization and Reallocation ($674,090 Bond Funds)

The above project is authorized from a reallocation from the Southern Water and Sewer District - Water Line Extension on Right Beaver Creek project (2003 Ky. Acts, ch. 156, page 1897).

009. Brownsville Municipal Water (WX21061018)
Reauthorization and Reallocation ($130,000 Bond Funds)

The above project is authorized from a reallocation from the City of Brownsville - Sewer Line Extension project (2003 Ky. Acts, ch. 156, page 1903).

010. Brownsville Municipal Water (WX21061018)
Reauthorization and Reallocation ($228,000 Bond Funds)

The above project is authorized from a reallocation from the City of Brownsville - Sewer Line Extension project (2003 Ky. Acts, ch. 156, page 1903).

(1) **Funds Appropriations:** The Bond Funds appropriated in items 001. and 002. above are the required state match for the federal program. The Federal Funds associated with the program are appropriated in the Operating Budget to comply with the Federal Cash Management Act.

(2) **Expenditure of Loan Repayments Cash Balances:** The Kentucky Infrastructure Authority is authorized to expend the cash balances from loan repayments on deposit at the trustee bank for financial assistance, in the form of low-interest loans, to governmental agencies for professional planning and preliminary engineering design work required for eligible Fund A wastewater projects.

3.	**GOVERNOR'S OFFICE OF AGRICULTURAL POLICY**		
	001. Replace Tobacco Funds		
	Bond Funds	17,000,000	-0-
4.	**TREASURY**		
	001. Checksealer Equipment - Lease - Additional		
	Capital Construction Surplus	63,000	63,000
5.	**AGRICULTURE**		
	001. Franklin County - Lease		
6.	**KENTUCKY RETIREMENT SYSTEMS**		
	001. Franklin County - Lease		
7.	**ATTORNEY GENERAL**		
	001. Franklin County - Lease		
8.	**UNIFIED PROSECUTORIAL SYSTEM - COMMONWEALTH'S ATTORNEYS**		
	001. Jefferson County - Lease		
9.	**DEPARTMENT OF PERSONNEL**		
	001. Replace Commonwealth's Personnel Payroll System		
	Bond Funds	25,000,000	-0-
	002. On-line Health Insurance Application		
	Restricted Funds	500,000	750,000
	003. Franklin County - Lease		
10.	**MILITARY AFFAIRS**		
	001. Upgrade Statewide Radio System		
	Bond Funds	1,400,000	-0-
	002. Expand State Emergency Operations Center		
	Federal Funds	6,825,000	-0-
	Bond Funds	2,275,000	-0-
	TOTAL	9,100,000	-0-
	003. Extend Runway and Taxiway Capital City Airport		
	Federal Funds	1,901,000	-0-
	Capital Construction Surplus	192,000	-0-

		TOTAL	2,093,000	-0-
	004.	Construct CCA Perimeter Security Fencing		
		Federal Funds	402,000	-0-
		Capital Construction Surplus	45,000	-0-
		TOTAL	447,000	-0-
	005.	Construct Aircraft Modification Building at Bluegrass Station		
		Restricted Funds	500,000	-0-
		Federal Funds	1,500,000	-0-
		TOTAL	2,000,000	-0-
	006.	Runway Parallel Taxiway Pavement Overlay		
		Federal Funds	1,780,000	-0-
	007.	Maintenance Pool -Bluegrass Station		
		Restricted Funds	2,500,000	2,500,000
	008.	Maintenance Pool - Air Transportation		
		Investment Income	353,900	353,900
	009.	Hangar/Warehouse/Office Buildings - Bluegrass Station		
		Agency Bonds	10,000,000	-0-
	010.	Maintenance Pool - Facilities		
		Investment Income	676,300	676,300
	011.	Construct 10 New T-Hangars		
		Bond Funds	450,000	-0-
11.	**KENTUCKY RIVER AUTHORITY**			
	001.	KY River Dam Maintenance Pool		
		Restricted Funds	500,000	500,000
	002.	KRWSE - Dam 10 Real Estate, Dam 9 Final Design		
		Restricted Funds	727,000	-0-
		Agency Bonds	1,773,000	-0-
		TOTAL	2,500,000	-0-
12.	**LOCAL GOVERNMENT**			
	001.	Flood Control Matching Fund - Additional		
		Restricted Funds	1,500,000	1,500,000
	002.	Community Economic Growth Grant Program		
		Bond Funds	5,000,000	5,000,000
	003.	Southeastern Kentucky Regional Agriculture and Exhibition Center in Corbin		
		Bond Funds	7,500,000	-0-
13.	**BOARD OF NURSING**			
	001.	Jefferson County – Lease		

B. COMMERCE CABINET

Budget Units			**2004-05**	**2005-06**
1.	**PARKS**			
	001.	Maintenance Pool		
		Investment Income	3,137,700	3,137,700
	002.	Parks Renovation Pool		
		Bond Funds	40,000,000	-0-
2.	**KENTUCKY HORSE PARK COMMISSION**			
	001.	Construct Permanent Seating Stadium Jumping Area		
		Other Funds	-0-	1,000,000

	002. Maintenance Pool		
	Investment Income	452,200	452,200
	003. Lease-Purchase Equipment (5 year-term)		
	General Fund	200,000	200,000
3.	**STATE FAIR BOARD**		
	001. Repave Parking Lots E, J and Ashton/Adair		
	Restricted Funds	1,281,000	49,000
	002. Replace Paving from Gate 1 to Gate 2		
	Restricted Funds	900,000	-0-
	003. Renovate Existing Restrooms		
	Restricted Funds	44,000	788,000
	004. Renovate KICC Pedway System		
	Restricted Funds	50,000	950,000
	005. Maintenance Pool		
	Restricted Funds	1,000,000	1,000,000
	006. East Wing/Hall Renovation Project		
	Bond Funds	50,000,000	-0-
4.	**FISH AND WILDLIFE RESOURCES**		
	001. Automated License Sales System Upgrade		
	Restricted Funds	650,000	-0-
	002. Fees-in-Lieu-of Stream Mitigation Projects Pool		
	Restricted Funds	5,000,000	5,000,000
	003. Maintenance Pool		
	Restricted Funds	400,000	400,000
	004. Land Acquisition Pool		
	Restricted Funds	700,000	700,000
	005. Edmonson County Environmental Study		
	Reauthorization and Reallocation		
5.	**KENTUCKY HISTORICAL SOCIETY**		
	001. KY History Center - Purchase Casework		
	Capital Construction Surplus	250,000	-0-
6.	**KENTUCKY CENTER FOR THE ARTS**		
	001. Maintenance Pool		
	Investment Income	198,200	125,800

C. ECONOMIC DEVELOPMENT CABINET

(1) Economic Development Bond Issues: Before any economic development bonds are issued, the proposed bond issue shall be approved by the Secretary of the Finance and Administration Cabinet and the State Property and Buildings Commission under KRS 56.440 to 56.590. In addition to the terms and conditions of KRS 154.12-100, administration of the Economic Development Bond Program by the Secretary of the Cabinet for Economic Development is subject to the following guideline: project selection shall be documented when presented to the Secretary of the Finance and Administration Cabinet. Included in the documentation shall be the rationale for selection and expected economic development impact.

(2) Permissible Use of Available KEDFA Funds: Moneys available to the Kentucky Economic Development Finance Authority (KEDFA) under KRS 154.20-010 to 154.20-180 shall be used exclusively for the purposes of those statutes or as expressly provided for in this Act. Nothing in this Act shall prohibit the transfer of funds from KEDFA to the New Economy Program as set out in this Act.

Budget Units		**2004-05**	**2005-06**
1.	**OFFICE OF THE SECRETARY**		
	001. New Economy High-Tech Investment/Construction Pool		
	Restricted Funds	11,575,000	10,985,000

(1) Apportionment of Funds: The Commissioner of the Office for the New Economy shall determine the amounts to be apportioned between the High-Tech Investment Pool and the High-Tech Construction Pool.

(2) Funding Allocation Approval: Notwithstanding KRS 154.12-278(3)(j), all allocations of funding by the Office for the New Economy shall be submitted to the Kentucky Economic Development Finance Authority for its review and approval.

2.	**FINANCIAL INCENTIVES**		
001.	Economic Development Bond Pool		
	Reauthorization ($5,000,000 Bond Funds)		
	Bond Funds - Additional	10,000,000	-0-
002.	Purchase Regional Industrial Park		
	Restricted Funds	2,250,000	-0-
003.	Airport Relocation Assistance		
	Bond Funds	5,000,000	-0-

D. DEPARTMENT OF EDUCATION

Budget Unit		**2004-05**	**2005-06**
1.	**EDUCATION**		
001.	Save Energy Performance Contract Project		
002.	Replace New Lee Hall HVAC and Renovate KSD		
	Bond Funds	3,490,000	-0-
003.	Maintenance Pool		
	Investment Income	530,800	530,800

E. EDUCATION CABINET

Budget Units		**2003-04**	**2004-05**	**2005-06**
1.	**KENTUCKY EDUCATIONAL TELEVISION**			
001.	Replace Roof at Network Center			
	Bond Funds	-0-	1,000,000	-0-
002.	Maintenance Pool			
	Investment Income	-0-	78,600	78,600
2.	**SCHOOL FACILITIES CONSTRUCTION COMMISSION**			
001.	School Facilities Construction Commission			
	Reauthorization ($121,724,700 Bond Funds)			
002.	Urgent Need School Trust Fund			
	Reauthorization ($55,284,000 Bond Funds)			
003.	Category 5 School Buildings			
	Reauthorization ($54,730,900 Bond Funds)			
004.	Offers of Assistance			
	Bond Funds	-0-	67,735,000	-0-
005.	Urgent Need School Trust Fund			
	Bond Funds	-0-	56,515,800	-0-
3.	**GENERAL ADMINISTRATION AND PROGRAM SUPPORT**			
001.	Guaranteed Energy Savings Project			
002.	Maintenance Pool			
	Investment Income	-0-	310,600	361,700
4.	**EMPLOYMENT SERVICES**			
001.	BARTS II			
	Federal Funds	563,000	-0-	-0-

(1) Current Year Appropriation: Included in the above Federal Funds appropriation is $563,000 in fiscal year 2003-2004 to continue the Benefit Audit Reporting and Tracking System (BARTS) II project.

(2) Facility Replacement and Renovation Program: The General Assembly authorizes the Department for Employment Services to develop and implement a facility replacement and renovation program to improve the quality of Cabinet for Workforce Development facilities used by the Department and its clients, and to reduce departmental reliance on lease/rental properties. The Department is directed to coordinate this program with the Secretary of the Finance and Administration Cabinet.

Proceeds acquired from the sale, transfer, or other disposition of existing facilities may be expended toward the purchase, construction, renovation, and equipping and furnishing of replacement facilities. Expenditures authorized by this provision are limited to the use of funds solely derived from the sale of Cabinet-owned facilities, which equity rights are shared between both the state and the federal government.

5. VOCATIONAL REHABILITATION			
001. Replace Roof Perkins Rehabilitation Center			
Bond Funds	-0-	1,200,000	-0-
002. Franklin County - Lease			
003. Fayette County - Lease			
6. TEACHERS' RETIREMENT SYSTEM			
001. KTRS Pension Management System			
Restricted Funds	-0-	-0-	2,000,000

F. ENVIRONMENTAL AND PUBLIC PROTECTION CABINET

Budget Units	**2004-05**	**2005-06**
1. GENERAL ADMINISTRATION AND SUPPORT		
001. Network Upgrade		
Bond Funds	500,000	-0-
002. Maintenance Pool		
Investment Income	393,200	157,300
2. ENVIRONMENTAL PROTECTION		
001. State-Funded Leaking Underground Storage Tanks		
Restricted Funds	500,000	500,000
002. Hazardous Waste Management Fund		
Restricted Funds	2,100,000	2,100,000
003. National Environmental Exchange Network Grant		
Federal Funds	150,000	350,000
004. State-Owned Dam Repair		
Bond Funds	1,000,000	-0-
005. Franklin County - Lease (DoW Comm., Ash Bldg.)		
006. Franklin County - Lease (Air Qual., Schenkel Ln.)		
007. Kentucky Heritage Land Conservation Fund Additional		
Restricted Funds	3,000,000	3,000,000
Federal Funds	1,000,000	1,000,000
TOTAL	4,000,000	4,000,000
3. SURFACE MINING RECLAMATION AND ENFORCEMENT		
001. Franklin County - Lease		
4. KENTUCKY NATURE PRESERVES COMMISSION		
001. Kentucky Nature Preserves Acquisition Fund		
Other Funds	300,000	300,000
5. HOUSING, BUILDINGS AND CONSTRUCTION		
001. Franklin County - Lease		
6. DEPARTMENT OF INSURANCE		
001. Franklin County - Lease		
7. PUBLIC ADVOCACY		
001. Franklin County - Lease		
8. WORKPLACE STANDARDS		
001. Franklin County - Lease		
9. WORKERS' CLAIMS		

001. Franklin County - Lease

G. FINANCE AND ADMINISTRATION CABINET

Budget Units	2003-04	2004-05	2005-06
1. ADMINISTRATION			
001. Two Inserting Machines - Postal Services			
Restricted Funds	-0-	300,000	-0-
002. Finance Genesco Building - Lease			
2. FACILITIES MANAGEMENT			
001. Capital Construction and Equipment Purchase Contingency Fund			
Investment Income	400,000	1,000,000	-0-

(1) Current Year Appropriation: Included in the above Investment Income appropriation is $400,000 in fiscal year 2003-2004 for Base Realignment and Closure (BRAC).

002. Renovate KY State Office Building - Phase II			
Bond Funds	-0-	46,000,000	-0-
003. Guaranteed Energy Performance Projects Pool			

(1) Authorization and Purpose of Pool: The Guaranteed Energy Performance Projects Pool shall serve as a central project pool for Guaranteed Energy Savings Performance Contracts in any state-owned building. These contracts will function as lease-purchase procurements, using energy savings as payment for improvements, as provided by KRS 56.770 to 56.784. The Finance and Administration Cabinet is authorized to enter into various guaranteed energy performance contracts for facilities in any state agency.

004. Emergency Repair, Maintenance, and Replacement Fund			
Investment Income	-0-	2,500,000	-0-
005. Maintenance Pool			
Restricted Funds	-0-	124,000	124,000
Investment Income	-0-	2,949,700	2,949,700
TOTAL	-0-	3,073,700	3,073,700
006. Acquire Land/Demolish Buildings - Statewide			
Bond Funds	-0-	1,950,000	-0-
007. Maintenance Pool - Statewide Deferred			
Investment Income	-0-	500,000	500,000
3. KENTUCKY LOTTERY CORPORATION			
001. Sales and Quota System			
Other Funds	-0-	500,000	-0-
002. Potential Buyout of On-line Gaming System			
Other Funds	-0-	12,250,000	-0-
003. Contingency on Property Adjacent to New Headquarters			
Other Funds	-0-	3,750,000	-0-
004. Network Storage and Associated Infrastructure			
Other Funds	-0-	500,000	-0-
005. iSeries System Upgrades			
Other Funds	-0-	1,500,000	-0-
006. Data Processing, Telecomm., and Related Equipment			
Other Funds	-0-	3,000,000	3,000,000

(1) Property Acquisition: The Kentucky Lottery Corporation may acquire properties related to the consolidation of the Kentucky Lottery Corporation's facilities assuming one or more of the properties becomes available for purchase. The purchase price of the properties shall not exceed $3,750,000 in the aggregate.

4. GOVERNOR'S OFFICE FOR TECHNOLOGY

(1) Transfer of Restricted Funds from Operating Budget: For the major equipment purchases displayed in this section funded from Restricted Funds, it is anticipated that these funds shall be transferred from the Operating Budget as funds are available and needed.

001.	UCJIS -Court Improvements (E-Warrants)			
	Federal Funds	-0-	2,000,000	-0-
	Bond Funds	-0-	4,500,000	-0-
	TOTAL	-0-	6,500,000	-0-
002.	Enterprise Infrastructure Security			
	Restricted Funds	-0-	1,000,000	-0-
003.	Enterprise Storage Solution			
	Restricted Funds	-0-	1,000,000	1,000,000
004.	Enterprise Tape Equipment/Media Solution			
	Restricted Funds	-0-	1,200,000	-0-
005.	Enterprise Messaging			
	Restricted Funds	-0-	660,000	-0-
006.	Disaster Recovery Project			
	Federal Funds	-0-	5,146,000	-0-
007.	KY Information Highway Upgrade Expansion			
	Restricted Funds	-0-	3,500,000	-0-
008.	Enterprise UNIX Server(s) Consolidation			
	Restricted Funds	-0-	2,000,000	1,300,000
009.	UCJIS - Criminal History			
	Bond Funds	-0-	2,000,000	-0-
010.	Enterprise Server Complex Upgrade			
	Restricted Funds	-0-	1,250,000	1,250,000
011.	Statewide Digital Orthoimagery Basemap Updating			
	Restricted Funds	-0-	200,000	-0-
	Federal Funds	-0-	300,000	-0-
	TOTAL	-0-	500,000	-0-
012.	Disk Storage Upgrade			
	Restricted Funds	-0-	800,000	-0-
013.	Public Safety Communications Infrastructure - KEWS			
	Bond Funds	-0-	26,768,000	-0-
014.	Enterprise Server (z/OS) Upgrade/Replacement			
	Restricted Funds	-0-	800,000	400,000
015.	Franklin County - Lease			
5.	**OFFICE OF THE CONTROLLER**			
001.	Management Administrative Reporting System Upgrade			
	Restricted Funds	-0-	3,500,000	-0-
	Investment Income	-0-	3,500,000	-0-
	TOTAL	-0-	7,000,000	-0-
6.	**REVENUE**			
001.	Develop Streamlined Sales Tax Simplification System			
	Bond Funds	-0-	14,062,000	-0-
002.	Franklin County - Lease - Perimeter Park			
003.	Franklin County - Lease - 200 Fair Oaks			
004.	Franklin County - Lease - 100 Fair Oaks			
005.	Business Refund Off-Set System			
	Bond Funds	-0-	1,750,000	-0-
006.	Collection System Interface Phase I			
	Bond Funds	-0-	1,500,000	-0-

H. HEALTH AND FAMILY SERVICES CABINET

Budget Units	2004-05	2005-06
1. GENERAL ADMINISTRATION AND PROGRAM SUPPORT		
001. Safeguarding Children at Risk (TWIST Re-Write)		
Federal Funds	264,000	261,000
Bond Funds	1,227,000	-0-
TOTAL	1,491,000	261,000
002. Server Refresh Phase I		
Federal Funds	249,200	-0-
Bond Funds	249,200	-0-
TOTAL	498,400	-0-
003. Network Infrastructure Upgrade		
Federal Funds	781,500	-0-
Bond Funds	781,500	-0-
TOTAL	1,563,000	-0-
004. Child Support Enforcement (KASES II)		
Federal Funds	3,960,000	-0-
Bond Funds	2,040,000	-0-
TOTAL	6,000,000	-0-
005. Support for Health and Welfare Services (KAMES)		
General Fund	-0-	6,000,000
Federal Funds	-0-	54,000,000
TOTAL	-0-	60,000,000
006. Boone County - Lease		
007. Boyd County - Lease		
008. Campbell County - Lease		
009. Fayette County - Lease		
010. Fayette County - Lease		
011. Franklin County - Lease		
012. Franklin County - Lease		
013. Hardin County - Lease		
014. Harlan County - Lease		
015. Henderson County - Lease		
016. Jefferson County - Lease		
017. Johnson County - Lease		
018. Kenton County - Lease		
019. Kenton County - Lease		
020. OTS Franklin - Lease		
021. Perry County - Lease		
022. Shelby County - Lease		
023. Warren County - Lease		
024. VA Hospital - Lease		
025. Upgrade KASPER System DPH		
Bond Funds	5,000,000	-0-
026. Medicaid Smartcard		
General Fund	-0-	2,000,000
Federal Funds	-0-	2,000,000
TOTAL	-0-	4,000,000

2. MENTAL HEALTH AND MENTAL RETARDATION SERVICES

001.	Upgrade HVAC Pipes & Electric - Glasgow		
	Bond Funds	2,000,000	-0-
002.	Replace Roof Oakwood		
	Bond Funds	2,000,000	-0-
003.	MH/MR Fair Oaks Franklin County - Lease		
004.	MH/MR Chiller Pool		
	Bond Funds	450,000	-0-
005.	Maintenance Pool		
	Investment Income	1,022,300	1,179,600
006.	MH/MR Misc. Roof Pool - Statewide		
	Bond Funds	700,000	-0-
007.	Eastern State Hospital - Water Piping Replacement System (Reauthorization and Reallocation - $850,000, Emer., Repair & Main., $250,000 Bond Funds)		

(1) **Eastern State Hospital - Water Piping Replacement System:** The above project is authorized from a reallocation of the Water Piping Replacement System - Eastern State Hospital/Veterans Hospital Relocation project (2003 Ky. Acts ch. 156, page 1778).

3. PUBLIC HEALTH

001.	Purchase Laboratory Equipment - Tandem Mass Sp.-DPH		
	Capital Construction Surplus	330,000	-0-
002.	Replace Laboratory Equipment - DPH		
	Bond Funds	350,000	-0-
003.	Construct Clay County Health Technology Center		
	Bond Funds	1,000,000	-0-

I. JUSTICE AND PUBLIC SAFETY CABINET

Budget Units		2004-05	2005-06
1.	**JUVENILE JUSTICE**		
001.	Maintenance Pool		
	Investment Income	353,900	353,900
2.	**STATE POLICE**		
001.	Maintenance Pool		
	Investment Income	235,900	235,900
002.	Construct Kentucky Public Safety Training Center		
	Bond Funds	13,727,000	-0-
3.	**CORRECTIONS MANAGEMENT**		
001.	Perform Energy Perf. Contracting - Various II		
002.	Maintenance Pool		
	Investment Income	2,101,300	1,454,800

J. POSTSECONDARY EDUCATION

Budget Units		2003-2004	2004-05	2005-06
1.	**KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY**			
001.	Purchase Inserter			
	Restricted Funds	-0-	140,000	-0-
002.	Franklin County - Lease			
2.	**COUNCIL ON POSTSECONDARY EDUCATION**			
001.	Capital Renewal & Maintenance Pool			
	Bond Funds	-0-	15,000,000	-0-

002.	Franklin County - Lease			
003.	KYVU/KYVL Website ADA Compliance Redesign			
	Restricted Funds	-0-	750,000	-0-
004.	KYVL Portal - Statewide License Replacement			
	Restricted Funds	-0-	1,000,000	-0-
005.	Construct Manchester Postsecondary Ed. Center			
	Bond Funds	-0-	9,000,000	-0-

(1) **Postsecondary Education Capital Renewal and Maintenance Pool Match:** The Capital Renewal and Maintenance Pool provides funding for individual projects at Kentucky's public postsecondary institutions to upgrade and replace building systems and infrastructure in Education and General facilities. The individual projects funded from this pool shall be recommended by the Council on Postsecondary Education to the Secretary of the Finance and Administration Cabinet from the project listings previously identified by the Council. The Council shall determine the allocation of the Capital Renewal and Maintenance pool among the postsecondary education institutions and report that allocation to the Secretary of the Finance and Administration Cabinet and the Legislative Research Commission's Capital Projects and Bond Oversight Committee. The Bond Funds in this pool shall be matched with the institutions' Restricted Funds at varying levels as determined by the Council on Postsecondary Education.

006.	Agency Bonds Pool			
	Agency Bonds	-0-	42,902,000	-0-

(1) **Council on Postsecondary Education's Agency Bonds Pool Projects:** The Council on Postsecondary Education shall identify projects for funding from the Council's Agency Bonds Pool. The Council on Postsecondary Education shall report allocations from the Agency Bonds Pool to the Secretary of the Finance and Administration Cabinet, the Interim Joint Committee on Appropriations and Revenue, the Interim Joint Committee on Education, and the Capital Projects and Bond Oversight Committee.

3. EASTERN KENTUCKY UNIVERSITY

001.	Construct Business/Technology Center, Phase II			
	Bond Funds	-0-	27,000,000	-0-
002.	Upgrade Academic Computing			
	Restricted Funds	-0-	2,300,000	2,600,000
003.	Purchase Networked Education System Component			
	Restricted Funds	-0-	3,450,000	3,500,000
004.	Expand, Upgrade Campus Data Network			
	Restricted Funds	-0-	7,212,000	6,000,000
005.	Upgrade Administrative Computing System			
	Restricted Funds	-0-	1,650,000	1,500,000
006.	Purchase Fourier Trans. Nuc. Mag. Res. Spect.			
	Restricted Funds	-0-	135,000	-0-
007.	Construct E & G Life Safety Begley Elevator			
	Reauthorization ($750,000 Restricted Funds)			
008.	Purchase of Property			
	Restricted Funds	-0-	3,000,000	-0-
009.	Guaranteed Energy Savings Project			
010.	Renovate Watts Property (Elmwood)			
	Reauthorization ($2,000,000 Restricted Funds)			
011.	Expand and Renovate Presnell Building			
	Reauthorization ($1,000,000 Restricted Funds)			
012.	Expand Indoor Tennis Facility			
	Restricted Funds	-0-	1,000,000	-0-
013.	Renovate Residence Hall			
	Restricted Funds	-0-	7,500,000	-0-
014.	Renovate Student Health Center			

	Restricted Funds	-0-	2,072,000	-0-
015.	Construct New Intramural Fields			
	Restricted Funds	-0-	2,300,000	-0-
4.	**KENTUCKY STATE UNIVERSITY**			
001.	Hathaway Hall Renovation Phase II			
	Bond Funds	-0-	7,400,000	-0-
002.	Renovate Young Hall - Additional Reauthorization ($4,547,000 Agency Bonds)			
	Restricted Funds	-0-	396,000	-0-
	Bond Funds	-0-	5,339,000	-0-
	TOTAL	-0-	5,735,000	-0-
003.	Bradford Hall Structural Repair			
	Restricted Funds	-0-	900,000	-0-
004.	Expand Business Wing & Renovate Bradford Hall			
	Restricted Funds	-0-	8,400,000	16,600,000
005.	Roof Repairs & Replacement Exum/Combs/Bell Gym			
	Restricted Funds	-0-	450,000	450,000
006.	Extend Fiber Network to South Campus			
	Restricted Funds	-0-	839,000	-0-
007.	Implement Smart Card Technology			
	Restricted Funds	-0-	1,165,000	-0-
008.	Add New Chiller			
	Restricted Funds	-0-	2,392,000	-0-
009.	Telecommunication Equipment (PBX)			
	Restricted Funds	-0-	1,352,000	-0-
010.	Expand Cooperative Extension Bldg.			
	Federal Funds	-0-	-0-	3,353,000
011.	Guaranteed Energy Savings Project			
012.	Construct New Residence Hall			
	Restricted Funds	-0-	20,000,000	-0-
013.	Build-Out Hill Student Center Third Floor			
	Restricted Funds	-0-	600,000	-0-
014.	Repair Alumni Stadium Structure			
	Restricted Funds	-0-	400,000	-0-
015.	Construct Softball Field			
	Restricted Funds	-0-	500,000	-0-
5.	**MOREHEAD STATE UNIVERSITY**			
001.	Major Item of Equipment Pool			
	Restricted Funds	-0-	4,023,000	-0-
002.	Construct MSU-NASA Space Science Center			
	Federal Funds	-0-	5,000,000	-0-
	Bond Funds	-0-	7,200,000	-0-
	TOTAL	-0-	12,200,000	-0-
003.	KY Geodetic Infrastructure Phase I			
	Federal Funds	-0-	5,000,000	-0-
004.	Comply with ADA- E & G - Additional			
	Restricted Funds	-0-	500,000	-0-
005.	Enhance Network/Infrastructure Resources			

	Reauthorization ($2,250,000 Restricted Funds)			
006.	Enhance Library Automation Resources			
	Reauthorization ($750,000 Restricted Funds)			
007.	Enhance Distance Learning Systems			
	Reauthorization ($2,500,000 Restricted Funds)			
008.	Expand Compressed Video Resources - Additional			
	Restricted Funds	-0-	309,000	-0-
009.	Upgrade Instruct. PCs/LANS/Peripherals			
	Reauthorization ($2,500,000 Restricted Funds)			
010.	Upgrade Administrative Office Systems			
	Reauthorization ($2,000,000 Restricted Funds)			
011.	Reconstruct Central Campus			
	Reauthorization ($780,000 Restricted Funds)			
012.	Acquire Land Related to Master Plan			
	Restricted Funds	-0-	2,000,000	-0-
013.	Replace Steam Line			
	Restricted Funds	-0-	500,000	-0-
014.	Replace Boiler Tubes			
	Restricted Funds	-0-	800,000	-0-
015.	Replace Bag House			
	Restricted Funds	-0-	2,000,000	-0-
016.	Construct Parking Structure - Additional			
	Restricted Funds	-0-	500,000	-0-
017.	Expand Student Wellness Center-Additional			
	Restricted Funds	-0-	300,000	-0-
018.	Comply with ADA-Auxiliary			
	Reauthorization ($1,200,000 Restricted Funds)			
019.	Construct Family Housing Complexes Phase II - Additional			
	Restricted Funds	-0-	700,000	-0-
6.	**MURRAY STATE UNIVERSITY**			
001.	Construct New Science Complex - Phase II			
	Bond Funds	-0-	15,000,000	-0-
002.	Guaranteed Energy Savings Project			
003.	Acquire Land			
	Restricted Funds	-0-	499,800	-0-
004.	Install 350 Ton Chiller - Reg. Special Events Center			
	Reauthorization ($400,000 Restricted Funds)			
005.	Construct Public Safety Building			
	Restricted Funds	-0-	1,500,000	-0-
006.	Repair Stewart Stadium - Structural			
	Restricted Funds	-0-	2,000,000	-0-
007.	Install Baseball Field and Stadium Sidewalk Lights			
	Reauthorization ($600,000 Restricted Funds)			
008.	Replace Breathitt Veterinary Center Incinerator			
	Restricted Funds	-0-	1,500,000	-0-
009.	Upgrade Campus Electrical Distribution System			
	Reauthorization ($10,765,000 Restricted Funds)			
010.	Capital Renewal & Deferred Maintenance Pool			

	Restricted Funds	-0-	19,084,000	-0-
011.	Replace Campus Communications Infrastructure			
	Restricted Funds	-0-	2,500,000	-0-
012.	Replace Telephone Switching System			
	Reauthorization ($1,000,000 Restricted Funds)			
013.	Replace Clark Hall Water Piping, Fixtures, Etc.			
	Reauthorization ($600,000 Restricted Funds)			
014.	Replace Springer Hall Water Piping, Fixtures, Etc.			
	Reauthorization ($800,000 Restricted Funds)			
015.	Replace Franklin Hall Water Piping, Fixtures, Etc.			
	Reauthorization ($600,000 Restricted Funds)			
016.	Replace Richmond Hall Water Piping Fixtures, Etc.			
	Reauthorization ($600,000 Restricted Funds)			
017.	Replace Regents Hall Domestic Water Piping			
	Reauthorization ($500,000 Restricted Funds)			
018.	Upgrade College Courts Electrical System			
	Reauthorization ($1,200,000 Restricted Funds)			
019.	Renovate College Courts			
	Reauthorization ($3,636,000 Restricted Funds)			
020.	Renovate College Courts Interiors (12 Buildings)			
	Reauthorization ($2,000,000 Restricted Funds)			
021.	Replace Student Writing and Design Lab Computers			
	Restricted Funds	-0-	414,000	-0-
022.	Upgrade Campus Network to Gigabit Ethernet System			
	Reauthorization ($1,000,000 Restricted Funds)			
023.	Install Online Centralized Data Access/Warehouse			
	Restricted Funds	-0-	520,000	-0-
024.	Establish Centralized Technology Refresh Program			
	Restricted Funds	-0-	2,600,000	-0-
025.	Purchase BVC Electron Microscope-Scanning Type			
	Restricted Funds	-0-	300,000	-0-
026.	Replace Franklin Hall			
	Reauthorization ($8,000,000 Restricted Funds)			
027.	Remove Elizabeth Hall Asbestos Ceiling			
	Reauthorization ($450,000 Restricted Funds)			
028.	Remove Hester Hall Asbestos Ceilings			
	Reauthorization ($450,000 Restricted Funds)			
029.	Repair Winslow Cafeteria Exterior			
	Reauthorization ($500,000 Restricted Funds)			
030.	Construct New Residental Halls to Replace Richmond and Clark Halls			
	Restricted Funds	-0-	26,154,000	-0-
7.	**NORTHERN KENTUCKY UNIVERSITY**			
001.	Regional Special Events Center			
	Bond Funds	-0-	47,000,000	-0-
	Restricted Funds	-0-	6,500,000	-0-
	TOTAL	-0-	53,500,000	-0-
002.	Repair Structure of Landrum Hall/Phase II			

	Restricted Funds	-0-	900,000	-0-
003.	Renovate/Expand Landrum Hall -Design			
	Restricted Funds	-0-	700,000	-0-
004.	Replace Power Distribution Infrastructure			
	Restricted Funds	-0-	3,000,000	-0-
005.	Upgrade AS &T Instructional Space			
	Restricted Funds	-0-	3,100,000	-0-
006.	Land Acquisition Pool - 2004-2006			
	Restricted Funds	-0-	3,000,000	-0-
007.	Replace Air Handlers			
	Restricted Funds	-0-	875,000	-0-
008.	Replace Elevators Landrum Hall/Lucas Admin Center			
	Restricted Funds	-0-	900,000	-0-
009.	Construct Sports Complex			
	Restricted Funds	-0-	12,000,000	-0-
010.	Initiate Phase II Master Plan			
	Restricted Funds	-0-	2,200,000	-0-
011.	Expand Regents Hall			
	Restricted Funds	-0-	1,300,000	-0-
012.	Reconstruct Central Plaza			
	Restricted Funds	-0-	3,500,000	-0-
013.	Enhance Info Technology Infrastructure Reauthorization ($2,700,000 Restricted Funds)			
014.	Enhance Instructional Info Technology			
	Restricted Funds	-0-	3,600,000	-0-
015.	Construct Alumni Center			
	Restricted Funds	-0-	5,100,000	-0-
016.	Purchase Coach Bus			
	Restricted Funds	-0-	400,000	-0-
017.	Purchase Direct Image Platesetter			
	Restricted Funds	-0-	150,000	-0-
018.	Replace Admin Application System			
	Restricted Funds	-0-	6,160,000	-0-
019.	Office Space - Lease			
020.	Metropolitan Education and Training Service Center - Lease			
021.	Construct New Student Union			
	Agency Bonds	-0-	32,800,000	-0-
022.	Construct New Parking Deck Phase II			
	Agency Bonds	-0-	9,700,000	-0-
023.	Improve Lake Area			
	Restricted Funds	-0-	2,000,000	-0-
8.	**UNIVERSITY OF KENTUCKY**			
001.	Major Item of Equipment Pool			
	Restricted Funds	-0-	75,000,000	-0-
002.	Construct Biological/Pharmaceutical Complex			
	Bond Funds	-0-	21,000,000	-0-
	Agency Bonds	-0-	21,000,000	-0-

TOTAL	-0-	42,000,000	-0-

(1) Construct Biological/Pharmaceutical Complex: A portion of the General Fund supported bonds may be made available to the University for the above project prior to the issuance of the Agency Bonds and after the submission of a letter of request by the University President to, and acceptance by, the Secretary of the Finance and Administration Cabinet. The letter shall include an affirmation of the University's intent to proceed with the issuance of Agency Bonds prior to submitting its budget request for the 2006-2008 biennium. Full access to the state bond funds may be made available to the project upon the approval by the Secretary of the Finance and Administration Cabinet of a plan of action submitted by the University, including a financial plan and timeline for the issuance of the Agency Bonds, at any time prior to November 15, 2005.

003.	Construct Gatton Building Complex - Design			
	Restricted Funds	-0-	4,500,000	-0-
004.	Construct Law School Building - Design			
	Restricted Funds	-0-	4,000,000	-0-
005.	Purchase/Renovate Facility for College of Design			
	Restricted Funds	-0-	16,528,000	-0-
006.	Construct LCC Classroom/Class Lab Building			
	Bond Funds	-0-	28,855,000	-0-
007.	Construct Digital Technologies Building - Design			
	Restricted Funds	-0-	3,000,000	-0-
008.	Expand Plant, Soil & Envir. Sci. Facil. - Design			
	Restricted Funds	-0-	1,500,000	-0-
009.	Expand Chemistry-Physics Building Design			
	Restricted Funds	-0-	5,500,000	-0-
010.	Expand & Upgrade Livestock Disease Diag. Center			
	Restricted Funds	-0-	8,500,000	-0-
011.	Construct Bio-Medical Research Building Design			
	Restricted Funds	-0-	6,000,000	-0-
012.	Construct Early Childhood Development/Family Center			
	Restricted Funds	-0-	9,956,000	-0-
013.	Expand KGS Well Sample & Core Repository			
	Restricted Funds	-0-	3,759,000	-0-
014.	Renovate Sections of Funkhouser			
	Restricted Funds	-0-	4,923,000	-0-
015.	Construct Student Health Facility			
	Restricted Funds	-0-	21,801,000	-0-
016.	Improve Life Safety, Project Pool			
	Restricted Funds	-0-	5,290,000	-0-
017.	Improve Plant - Capital Renewal Pool			
	Restricted Funds	-0-	15,000,000	-0-
018.	Upgrade Fume Hoods TH Morgan - Life Safety			
	Restricted Funds	-0-	2,738,000	-0-
019.	Upgrade Fume Hoods Research #3 - Life Safety			
	Restricted Funds	-0-	4,825,000	-0-
020.	Upgrade HVAC - CAER Ph. III Life Safety			
	Restricted Funds	-0-	475,000	-0-
021.	Upgrade Pharm. Fume Hood I - Life Safety			
	Restricted Funds	-0-	4,300,000	-0-
022.	Improve IAQ - Phase I - Life Safety			
	Restricted Funds	-0-	500,000	-0-
023.	Abate Asbestos LC II - Life Safety			
	Restricted Funds	-0-	500,000	-0-

024.	Improve Accessibility Project Pool			
	Restricted Funds	-0-	437,000	-0-
025.	Renovate Running Track			
	Restricted Funds	-0-	2,500,000	-0-
026.	Lease-Purchase High Performance Research Comp.			
	Restricted Funds	-0-	6,500,000	-0-
027.	Construct Medical Center Education Building			
	Restricted Funds	-0-	27,000,000	-0-
028.	Construct Environmental Institute			
	Restricted Funds	-0-	14,287,000	-0-
029.	Expand/Renovate Art Museum in Singletary Center			
	Restricted Funds	-0-	10,075,000	-0-
030.	Upgrade Pilot - Scale Mineral Process Facility			
	Restricted Funds	-0-	500,000	-0-
031.	Lease-Purchase Large Scale Computing			
	Restricted Funds	-0-	3,500,000	-0-
032.	Renovate COHR Space in the Dental Building			
	Restricted Funds	-0-	1,875,000	-0-
033.	Expand CAER Laboratories			
	Restricted Funds	-0-	3,833,000	-0-
034.	Lease-Purchase Enterprise Storage System			
	Restricted Funds	-0-	1,200,000	-0-
035.	Lease-Purchase UPS System			
	Restricted Funds	-0-	800,000	-0-
036.	Upgrade Electric & Lighting in Guignol Theatre			
	Restricted Funds	-0-	890,000	-0-
037.	Lease-Purchase Campus Infrastructure Upgrade			
	Restricted Funds	-0-	3,500,000	-0-
038.	Lab Security Systems Project Pool			
	Restricted Funds	-0-	500,000	-0-
039.	Renovate 3rd Floor Little Library			
	Restricted Funds	-0-	2,200,000	-0-
040.	Install Emergency Generator in Computing Facility			
	Restricted Funds	-0-	425,000	-0-
041.	Renovate Med. Center Library			
	Restricted Funds	-0-	5,500,000	-0-
042.	Renovate King Library South - 1930 Section			
	Restricted Funds	-0-	17,901,000	-0-
043.	Land Acquisition Pool			
	Restricted Funds	-0-	15,000,000	-0-
044.	Renovate Practice Instruction Space in Pharmacy			
	Restricted Funds	-0-	3,200,000	-0-
045.	Lease-Purchase Apartment Complex			
	Restricted Funds	-0-	11,000,000	-0-
046.	Replace Air Handling Units Central Computing Facility			
	Restricted Funds	-0-	510,000	-0-
047.	Renovate Graduate Edu. & Research Space in Nursing			
	Restricted Funds	-0-	1,600,000	-0-

048.	Renovate Bowman Hall			
	Restricted Funds	-0-	8,221,000	-0-
049.	Renovate Reynolds Building			
	Restricted Funds	-0-	12,310,000	-0-
050.	Lease-Purchase Data Warehouse			
	Restricted Funds	-0-	600,000	-0-
051.	Purchase Server/Workstation for Software			
	Restricted Funds	-0-	400,000	-0-
052.	Renovate Taylor Education Building			
	Restricted Funds	-0-	17,864,000	-0-
053.	Construct Parking Structure - Central Campus			
	Restricted Funds	-0-	17,000,000	-0-
054.	Renovate Kastle Hall			
	Restricted Funds	-0-	8,269,000	-0-
055.	Lease-Purchase Tape Library			
	Restricted Funds	-0-	500,000	-0-
056.	Expand Grehan Journalism Building			
	Restricted Funds	-0-	12,740,000	-0-
057.	Construct New Alumni Center			
	Restricted Funds	-0-	15,250,000	-0-
058.	Expand Animal Science Research Center Phase II			
	Restricted Funds	-0-	23,184,000	-0-
059.	Renovate Central Computing Facility			
	Restricted Funds	-0-	2,360,000	-0-
060.	Renovate Koinonia House			
	Restricted Funds	-0-	1,950,000	-0-
061.	Lease-Purchase Fire Suppression Upgrade			
	Restricted Funds	-0-	850,000	-0-
062.	Renovate Slone Building			
	Restricted Funds	-0-	7,993,000	-0-
063.	Purchase Police Communications Equipment			
	Restricted Funds	-0-	571,000	-0-
064.	Purchase Upgraded Integrated Library System			
	Restricted Funds	-0-	700,000	-0-
065.	Lease-Purchase Network Security Hardware			
	Restricted Funds	-0-	1,500,000	-0-
066.	Fit-up Education Space in Health Science Building			
	Restricted Funds	-0-	1,000,000	-0-
067.	Replace Steam and Condensate Pipe			
	Restricted Funds	-0-	5,000,000	-0-
068.	Replace Air Handling Units in Research #1			
	Restricted Funds	-0-	950,000	-0-
069.	Lease-Purchase Telephone Switch Convergence			
	Restricted Funds	-0-	12,000,000	-0-
070.	Upgrade Elevator Controls in Nursing Building			
	Restricted Funds	-0-	600,000	-0-
071.	Purchase Digital Media Distribution System			
	Restricted Funds	-0-	186,000	-0-

072.	Renovate School of Public Health Building			
	Restricted Funds	-0-	3,751,000	-0-
073.	Replace Nutter Football Field			
	Restricted Funds	-0-	2,000,000	-0-
074.	Lease-Purchase Unix Cluster			
	Restricted Funds	-0-	600,000	-0-
075.	Upgrade Network for Software			
	Restricted Funds	-0-	250,000	-0-
076.	Purchase Integrated Imaging System			
	Restricted Funds	-0-	130,000	-0-
077.	Lease-Purchase Video Switch Expansion			
	Restricted Funds	-0-	250,000	-0-
078.	Replace Law Building Marble Facade			
	Restricted Funds	-0-	838,000	-0-
079.	Construct Multi-Care Clinic Building			
	Restricted Funds	-0-	20,500,000	-0-
080.	Purchase Network Infrastructure Restructuring			
	Restricted Funds	-0-	160,000	-0-
081.	Lease-Purchase UPS Upgrade for Communications			
	Restricted Funds	-0-	800,000	-0-
082.	Expand Patient Parking in Structure #3			
	Restricted Funds	-0-	7,000,000	-0-
083.	Purchase GIS Remote Sensing Teaching Lab			
	Restricted Funds	-0-	160,000	-0-
084.	Replace Central Facilities Management System			
	Restricted Funds	-0-	3,000,000	-0-
085.	Renovate Photography Space in Nursing Building			
	Restricted Funds	-0-	650,000	-0-
086.	Replace Chemistry Physics Ductwork			
	Restricted Funds	-0-	2,000,000	-0-
087.	Fit-up 4th Floor BBSRB			
	Restricted Funds	-0-	3,265,000	-0-
	Federal Funds	-0-	7,735,000	-0-
	TOTAL	-0-	11,000,000	-0-
088.	Replace Central Fire Alarm System			
	Restricted Funds	-0-	2,500,000	-0-
089.	Upgrade the Vivarium in Sanders Brown Building			
	Restricted Funds	-0-	2,000,000	-0-
	Federal Funds	-0-	2,000,000	-0-
	TOTAL	-0-	4,000,000	-0-
090.	Purchase Redundant Disk Server System			
	Restricted Funds	-0-	170,000	-0-
091.	Renovate Substation #2			
	Restricted Funds	-0-	2,780,000	-0-
092.	Renovate Labs in the Pharmacy Building			
	Restricted Funds	-0-	2,000,000	-0-
	Federal Funds	-0-	2,000,000	-0-
	TOTAL	-0-	4,000,000	-0-

093.	Improve Central Heating Plant			
	Restricted Funds	-0-	4,000,000	-0-
094.	Construct Regional BL3/BL4 Facility			
	Federal Funds	-0-	50,000,000	-0-
095.	Renovate Facade - Agriculture Building North			
	Restricted Funds	-0-	4,000,000	-0-
096.	Improve Storm Sewer Funkhouser			
	Restricted Funds	-0-	1,103,000	-0-
097.	Purchase Instructional Video Studio			
	Restricted Funds	-0-	250,000	-0-
098.	Guaranteed Energy Performance Project			
099.	Install Chilled Water Pipe-Clg 2 to Pit			
	Restricted Funds	-0-	1,500,000	-0-
100.	Install Cooling Secondary Pumping			
	Restricted Funds	-0-	2,500,000	-0-
101.	Renovate Animal Facility in Tobacco & Health Building			
	Restricted Funds	-0-	1,500,000	-0-
102.	Replace Cooling Plant Chillers			
	Restricted Funds	-0-	6,000,000	-0-
103.	Renovate Imaging Center at KY Clinic			
	Restricted Funds	-0-	2,000,000	-0-
104.	Replace Master Clock and Bell System			
	Restricted Funds	-0-	1,500,000	-0-
105.	Expand Ophthalmology Clinic in Med. Plaza			
	Restricted Funds	-0-	582,000	-0-
106.	Repair Concrete Phase I General Campus			
	Restricted Funds	-0-	750,000	-0-
107.	Renovate Imaging Center I			
	Restricted Funds	-0-	530,000	-0-
108.	Repair Blacktop Phase I General Campus			
	Restricted Funds	-0-	750,000	-0-
109.	Renovate Research Labs in Med. Center, III			
	Restricted Funds	-0-	1,000,000	-0-
110.	Upgrade Electrical Substation			
	Restricted Funds	-0-	4,000,000	-0-
111.	Renovate Education Space in Med. Science			
	Restricted Funds	-0-	2,300,000	-0-
112.	Installed Chilled Water Pipe to South Campus			
	Restricted Funds	-0-	5,000,000	-0-
113.	Renovate Research Labs in Med. Center, I			
	Restricted Funds	-0-	750,000	-0-
114.	Install Chilled Water Additions General Campus			
	Restricted Funds	-0-	1,000,000	-0-
115.	Renovate Imaging Center, II			
	Restricted Funds	-0-	530,000	-0-
116.	Purchase Shared Desktop Environment			
	Restricted Funds	-0-	250,000	-0-
117.	Install Med. Center Chilled Water Loop			

	Restricted Funds	-0-	700,000	-0-
118.	Renovate Research Labs in Medical Center, IV			
	Restricted Funds	-0-	1,250,000	-0-
119.	Replace High Voltage Wiring			
	Restricted Funds	-0-	775,000	-0-
120.	Renovate Research Labs in Med. Center, II			
	Restricted Funds	-0-	900,000	-0-
121.	Replace McVey Hall HVAC			
	Restricted Funds	-0-	3,000,000	-0-
122.	Renovate Research Space Med. Center, I			
	Restricted Funds	-0-	1,500,000	-0-
123.	Replace Mathews Building HVAC			
	Restricted Funds	-0-	1,000,000	-0-
124.	Replace HVAC Slone Building			
	Restricted Funds	-0-	2,320,000	-0-
125.	Replace HVAC Kastle Hall			
	Restricted Funds	-0-	3,000,000	-0-
126.	Replace Fine Arts HVAC			
	Restricted Funds	-0-	3,000,000	-0-
127.	Replace Three Elevators MI King South			
	Restricted Funds	-0-	975,000	-0-
128.	Renovate Barker Hall			
	Restricted Funds	-0-	5,060,000	-0-
129.	Add Centralized Emergency Generator			
	Restricted Funds	-0-	5,034,000	-0-
130.	Upgrade Communication Infrastructure, II			
	Restricted Funds	-0-	450,000	-0-
131.	Expand Plant Capacity Infrastructure			
	Restricted Funds	-0-	23,000,000	-0-
132.	Renovate Teaching Space in Med. Plaza			
	Restricted Funds	-0-	500,000	-0-
133.	Install HVAC in Keeneland Hall			
	Restricted Funds	-0-	5,109,000	-0-
134.	Renovate Faculty Office Space in Med. Center			
	Restricted Funds	-0-	500,000	-0-
135.	Replace Holmes Elevator			
	Restricted Funds	-0-	641,000	-0-
136.	Renovate Foundation Offices in MRISC Building			
	Restricted Funds	-0-	500,000	-0-
137.	Install Commons Elevator			
	Restricted Funds	-0-	400,000	-0-
138.	Renovate Breast Clinic in MRISC Building			
	Restricted Funds	-0-	520,000	-0-
139.	Renovate Vivarium in Central DLAR Facility			
	Restricted Funds	-0-	1,000,000	-0-
	Federal Funds	-0-	1,000,000	-0-
	TOTAL	-0-	2,000,000	-0-
140.	Renovate Vivarium in Combs Building			

	Restricted Funds	-0-	300,000	-0-
	Federal Funds	-0-	300,000	-0-
	TOTAL	-0-	600,000	-0-
141.	Renovate Safety & Security Building			
	Restricted Funds	-0-	1,645,000	-0-
142.	Renovate DLAR General Offices in Med. Center			
	Restricted Funds	-0-	400,000	-0-
143.	Lease-Purchase UK/UofL/Frankfort Research Network			
	Restricted Funds	-0-	6,000,000	-0-
144.	Lease-Purchase ERP System			
	Restricted Funds	-0-	10,000,000	-0-
145.	Purchase Compressed Video-Hazard			
	Restricted Funds	-0-	141,000	-0-
146.	Renovate Erikson Hall			
	Restricted Funds	-0-	6,001,000	-0-
147.	Expand West Kentucky Research and Education Center			
	Restricted Funds	-0-	4,000,000	-0-
148.	Renovate Bradley Hall			
	Restricted Funds	-0-	5,216,000	-0-
149.	Purchase Digital Education Equipment			
	Restricted Funds	-0-	1,900,000	-0-
150.	Construct Gluck Equine Res. Ctr. - Phase I			
	Restricted Funds	-0-	29,835,000	-0-
151.	Addition to Lafferty Hall			
	Restricted Funds	-0-	5,195,000	-0-
152.	Upgrade Sound and Lighting for Singletary Center			
	Restricted Funds	-0-	680,000	-0-
153.	Upgrade Comm. Infrastructure in Young Library			
	Restricted Funds	-0-	2,601,000	-0-
154.	Construct Horticultural Research and Education Facility			
	Restricted Funds	-0-	1,600,000	-0-
155.	Expand Erikson Hall			
	Restricted Funds	-0-	18,741,000	-0-
156.	Purchase Patient Classification Equipment			
	Restricted Funds	-0-	260,000	-0-
157.	Construct UK Paducah Engineering Research Center			
	Restricted Funds	-0-	1,000,000	-0-
158.	Purchase Telemedicine Rural Health			
	Restricted Funds	-0-	416,000	-0-
159.	Construct KY Transportation Center Building			
	Restricted Funds	-0-	20,699,000	-0-
	Federal Funds	-0-	2,500,000	-0-
	TOTAL	-0-	23,199,000	-0-
160.	Construct University Conference Center			
	Restricted Funds	-0-	19,605,000	-0-
161.	Replace Steam Line MC Htg. - Hosp. Drive Pit 2			
	Restricted Funds	-0-	1,180,000	-0-
162.	Replace Steam Line Lime Tunnel - Main Gate Pit			

	Restricted Funds	-0-	1,690,000	-0-
163.	Replace Steam Line Lime Tunnel - POT Tunnel			
	Restricted Funds	-0-	730,000	-0-
164.	Install Steam Line BBSRB - Old Main Gate Pit			
	Restricted Funds	-0-	4,130,000	-0-
165.	Replace Steam Line Main Gate Pit -Anderson Pit			
	Restricted Funds	-0-	1,530,000	-0-
166.	Replace Steam Line Kastle - Chem./Phys. Pit 28			
	Restricted Funds	-0-	740,000	-0-
167.	Install Pollution Controls			
	Restricted Funds	-0-	1,740,000	-0-
168.	Kentucky Utilities Building - Lease			
169.	College of Medicine Off-Campus Clinic - Lease			
170.	College of Pharmacy-Contracted Program - Lease			
171.	Med. Center - Grant Projects - Lease			
172.	Med. Center Off-Campus Patient Facility - Lease			
173.	Med. Center Contract Sponsored Programs - Lease			
174.	Clinic Blazer Parkway - Lease			
175.	Expand Surgical Services - Hospital			
	Restricted Funds	-0-	3,531,000	-0-
176.	Create Universal Nursing Unit-Hospital			
	Restricted Funds	-0-	964,000	-0-
177.	Upgrade Outpatient Surgical Suite - Hospital			
	Restricted Funds	-0-	2,500,000	-0-
178.	Modify Nursing Unit XI - Hospital			
	Restricted Funds	-0-	1,160,000	-0-
179.	Modify Nursing Unit XII - Hospital			
	Restricted Funds	-0-	3,936,000	-0-
180.	Construct Imaging Facility - Hospital			
	Restricted Funds	-0-	10,035,000	-0-
181.	Upgrade Cancer Ctr. Radiologic Facility - Hospital			
	Restricted Funds	-0-	6,000,000	-0-
182.	Construct Cancer Urgent Treatment Facility - Hospital			
	Restricted Funds	-0-	10,562,000	-0-
183.	Upgrade Surgical Suite - Hospital			
	Restricted Funds	-0-	2,600,000	-0-
184.	Construct Radiation Medicine Facility - Hospital			
	Restricted Funds	-0-	6,047,000	-0-
185.	Upgrade Transport Systems V - Hospital			
	Restricted Funds	-0-	800,000	-0-
186.	Expand Operating Room Suites - Hospital			
	Restricted Funds	-0-	3,547,000	-0-
187.	Expand Parking Structure #4 - Hospital			
	Restricted Funds	-0-	3,620,000	-0-
188.	Upgrade Building/Site IV - Hospital			
	Restricted Funds	-0-	800,000	-0-
189.	Upgrade HVAC II - Hospital			
	Restricted Funds	-0-	3,500,000	-0-

190.	Construct Radiation Med. Facility II - Hospital			
	Restricted Funds	-0-	2,548,000	-0-
191.	Upgrade Utility Systems VI - Hospital			
	Restricted Funds	-0-	1,500,000	-0-
192.	Upgrade Operating Room Suites II - Hospital			
	Restricted Funds	-0-	12,162,000	-0-
193.	Replace AHU I - Hospital			
	Restricted Funds	-0-	15,553,000	-0-
194.	Replace AHU I - Roach			
	Restricted Funds	-0-	1,000,000	-0-
195.	Replace AHU II - Roach			
	Restricted Funds	-0-	1,000,000	-0-
196.	Construct Cancer Hospice Facility - Hospital			
	Restricted Funds	-0-	4,000,000	-0-
197.	Construct Cancer Education Facility - Hospital			
	Restricted Funds	-0-	2,000,000	-0-
198.	Construct Cancer Infusion Suites - Hospital			
	Restricted Funds	-0-	5,590,000	-0-
199.	Construct Remote Cancer Clinic - Hospital			
	Restricted Funds	-0-	12,500,000	-0-
200.	Construct Physicians Svcs. Facilities - Hospital			
	Restricted Funds	-0-	2,000,000	-0-
201.	Upgrade Emergency Services II - Hospital			
	Restricted Funds	-0-	12,000,000	-0-
202.	Upgrade Information Systems Svcs. - Hospital			
	Restricted Funds	-0-	3,467,000	-0-
203.	Upgrade Diagnostic Radiology - Hospital			
	Restricted Funds	-0-	3,000,000	-0-
204.	Upgrade Communication Svs. - Hospital			
	Restricted Funds	-0-	1,000,000	-0-
205.	Construct Business Facility II - Hospital			
	Restricted Funds	-0-	10,840,000	-0-
206.	Construct Outpt. Care Facility II - Hospital			
	Restricted Funds	-0-	8,148,000	-0-
207.	Construct Bldg. Connectors III - Hospital			
	Restricted Funds	-0-	3,047,000	-0-
208.	Construct Primary Care Center II - Hospital			
	Restricted Funds	-0-	13,017,000	-0-
209.	Construct Patient Care Facility II - Hospital			
	Restricted Funds	-0-	11,477,000	-0-
210.	Upgrade Nutrition Services II - Hospital			
	Restricted Funds	-0-	1,000,000	-0-
211.	Upgrade Support Services II - Hospital			
	Restricted Funds	-0-	1,000,000	-0-
212.	Expand Data Systems III - Hospital			
	Restricted Funds	-0-	700,000	-0-
213.	Implement Land Use Plan IV - Hospital			
	Restricted Funds	-0-	2,500,000	-0-

214.	Upgrade Diagnostic Services XII - Hospital			
	Restricted Funds	-0-	1,000,000	-0-
215.	Construct Outpatient Svs. III - Hospital			
	Restricted Funds	-0-	8,004,000	-0-
216.	Upgrade Diagnostic Services XI - Hospital			
	Restricted Funds	-0-	1,500,000	-0-
217.	Renovate Medical Records Suite I - Hospital			
	Restricted Funds	-0-	566,000	-0-
218.	Guaranteed Energy Savings Project			
219.	Purchase Patient System Enterprise			
	Restricted Funds	-0-	4,640,000	-0-
220.	Purchase Upgrade for Servers			
	Restricted Funds	-0-	800,000	-0-
221.	Purchase Upgrade - HIS Computing Facility			
	Restricted Funds	-0-	2,900,000	-0-
222.	Purchase Clinical System Enterprise			
	Restricted Funds	-0-	5,800,000	-0-
223.	Purchase Computing Infrastructure Update			
	Restricted Funds	-0-	2,500,000	-0-
224.	Purchase Data Storage Facility Upgrade			
	Restricted Funds	-0-	750,000	-0-
225.	Purchase Dig. Medical Record Expansion			
	Restricted Funds	-0-	4,640,000	-0-
226.	Purchase Managed Care Enterprise			
	Restricted Funds	-0-	1,160,000	-0-
227.	Purchase Data Storage Equipment & Software I			
	Restricted Funds	-0-	500,000	-0-
228.	Purchase Telecommunications Equipment I			
	Restricted Funds	-0-	250,000	-0-
229.	Purchase PACS Data Storage Equipment & Software			
	Restricted Funds	-0-	500,000	-0-
230.	Purchase IS Security Equipment I			
	Restricted Funds	-0-	150,000	-0-
231.	Purchase Data Center Printers I			
	Restricted Funds	-0-	350,000	-0-
232.	Purchase Data Storage Equipment & Software II			
	Restricted Funds	-0-	250,000	-0-
233.	Purchase Telecommunications Equipment II			
	Restricted Funds	-0-	200,000	-0-
234.	Purchase Mainframe Computer			
	Restricted Funds	-0-	400,000	-0-
235.	Purchase IS Security Equipment II			
	Restricted Funds	-0-	150,000	-0-
236.	Purchase Data Center Printers II			
	Restricted Funds	-0-	300,000	-0-
237.	Purchase Knowledge-based Transcription			
	Restricted Funds	-0-	450,000	-0-
238.	Purchase Knowledge-based Charting System			

	Restricted Funds	-0-	400,000	-0-
239.	Purchase Consumer Web Interaction System			
	Restricted Funds	-0-	400,000	-0-
240.	Purchase Data Storage Equipment & Software III			
	Restricted Funds	-0-	150,000	-0-
241.	Purchase Telecommunications Equipment III			
	Restricted Funds	-0-	150,000	-0-
242.	Renovate /Expand Boone Faculty Center			
	Other Funds	-0-	3,500,000	-0-
243.	Renovate Gillis Building			
	Restricted Funds	-0-	9,500,000	-0-
244.	Renovate IRIS Project Facility			
	Restricted Funds	-0-	1,035,000	-0-
245.	Purchase Dentistry Patient Management Software			
	Restricted Funds	-0-	1,065,000	-0-
246.	Renovate Outpatient Clinic in Kentucky Clinic			
	Restricted Funds	-0-	2,237,000	-0-
247.	Construct New Housing			
	Restricted Funds	-0-	49,991,000	-0-
248.	Construct Parking Structure- North Campus			
	Restricted Funds	-0-	25,248,800	-0-
249.	Memorial Coliseum Expansion			
	Restricted Funds	-0-	25,500,000	-0-
250.	Renovate Commonwealth Stadium Concrete			
	Restricted Funds	-0-	2,500,000	-0-
251.	Renovate Dietetics - Hospital			
	Restricted Funds	-0-	6,000,000	-0-
252.	Construct Outpt. Diag/Treat. Facility - Hospital			
	Restricted Funds	-0-	17,545,000	-0-
253.	Construct Patient Bed Tower - Hospital			
	Agency Bonds	-0-	25,000,000	-0-
	Restricted Funds	-0-	25,000,000	-0-
	TOTAL	-0-	50,000,000	-0-

9. UNIVERSITY OF LOUISVILLE

001.	Major Item of Equipment Pool			
	Restricted Funds	-0-	12,154,000	-0-
002.	Construct HSC Research Facility, Phase III			
	Restricted Funds	-0-	12,000,000	-0-
	Bond Funds	-0-	19,000,000	-0-
	Agency Bonds	-0-	19,000,000	-0-
	TOTAL	-0-	50,000,000	-0-

(1) Construct HSC Research Facility, Phase III: A portion of the General Fund supported bonds may be made available to the University for the above project prior to the issuance of the Agency Bonds and after the submission of a letter of request by the University President to, and acceptance by, the Secretary of the Finance and Administration Cabinet. The letter shall include an affirmation of the University's intent to proceed with the issuance of Agency Bonds prior to submitting its budget request for the 2006-2008. Full access to the state bond funds may be made available to the project upon the approval by the Secretary of the Finance and Administration Cabinet of a plan of action submitted by the University, including a financial plan and timeline for the issuance of the Agency Bonds, at any time prior to November 15, 2005.

003.	Renovate Capital Renewal Pool			
	Restricted Funds	-0-	13,746,000	-0-
004.	Renovate Code Improvement Pool			
	Restricted Funds	-0-	3,191,000	-0-
005.	Guaranteed Energy Savings Project			
006.	Renovate Shelby Campus Infrastructure			
	Restricted Funds	-0-	8,740,000	-0-
007.	Renovate Student Serv. Bldg. - Houchens, Ph II			
	Restricted Funds	-0-	6,302,000	-0-
008.	Renovate Medical Dental Res. Building, Phase IV			
	Restricted Funds	-0-	17,986,000	-0-
009.	Renovate Chemistry Fume Hood Redesign, Ph II			
	Restricted Funds	-0-	4,198,000	-0-
010.	Expand Oppenheimer Hall for Social Work			
	Reauthorization ($5,450,000 Restricted Funds)			
011.	Purchase Digital Communications System			
	Restricted Funds	-0-	1,000,000	1,000,000
012.	Purchase Networking System			
	Restricted Funds	-0-	1,500,000	1,500,000
013.	Renovate Natural Science Building			
	Restricted Funds	-0-	11,890,000	-0-
014.	Purchase CPU System			
	Restricted Funds	-0-	460,000	-0-
015.	Purchase Enhanced Library System Software			
	Restricted Funds	-0-	250,000	-0-
016.	Purchase PCs, Printers, Laptops			
	Restricted Funds	-0-	149,000	-0-
017.	Purchase Support Service Land (NE Quad)			
	Restricted Funds	-0-	4,632,000	-0-
018.	Purchase Electronic Research Information System			
	Restricted Funds	-0-	1,080,000	-0-
019.	Renovate Dental Clinics - First Floor			
	Restricted Funds	-0-	8,614,000	-0-
020.	Purchase Artificial Turf - Practice Field Facility			
	Restricted Funds	-0-	750,000	-0-
021.	Purchase Computer Processing System			
	Restricted Funds	-0-	1,800,000	200,000
022.	Purchase Storage System			
	Restricted Funds	-0-	600,000	400,000
023.	Purchase Enterprise Application System			

	Restricted Funds	-0-	1,000,000	1,000,000
024.	Digital Output System			
	Restricted Funds	-0-	500,000	500,000
025.	Visualization System			
	Restricted Funds	-0-	500,000	500,000
026.	Construct Res. Hall, 276 Beds, Ph. III, Com. Park			
	Restricted Funds	-0-	-0-	10,180,000
027.	Renovate Medical School Tower-55A, Phase I			
	Restricted Funds	-0-	3,841,000	-0-
028.	Expand Ambulatory Care Bldg. Academic Addition			
	Restricted Funds	-0-	39,872,000	-0-
029.	Purchase Real Estate Near HSC & Ren. Offices			
	Restricted Funds	-0-	20,500,000	-0-
030.	Renovate & Purchase Home of the Innocents Property			
	Restricted Funds	-0-	7,301,000	-0-
031.	Construct Utilities, Remove Overhead Lines			
	Restricted Funds	-0-	-0-	2,957,000
032.	Renovate Housing - Capital Renewal Pool			
	Restricted Funds	-0-	2,476,000	-0-
033.	Renovate Housing - Code Improvements Pool			
	Restricted Funds	-0-	709,000	-0-
034.	Construct Diversity Center for Excellence			
	Restricted Funds	-0-	-0-	5,434,000
035.	Jefferson County - Lease			
036.	Purchase Third Street & Central Ave. Property			
	Restricted Funds	-0-	3,100,000	-0-
037.	Construct U of L Baseball Stadium Reauthorization ($5,900,000 Restricted Funds)			
038.	Construct Basketball Facility and Office			
	Restricted Funds	-0-	8,500,000	-0-
039.	Construct Boathouse for Women's Rowing Program Reauthorization ($2,488,000 Restricted Funds)			
040.	Renovate University Housing Capital Renewal, Phase I			
	Restricted Funds	-0-	-0-	3,210,000
041.	Construct HSC Parking Structure II			
	Restricted Funds	-0-	-0-	14,440,000
042.	Construct Multipurpose Field House and Practice Facility			
	Restricted Funds	-0-	12,404,000	-0-
10.	**WESTERN KENTUCKY UNIVERSITY**			
001.	Renovate Science Campus - Phase II			
	Bond Funds	-0-	27,000,000	-0-
002.	Repair Mold/Moisture Damage			

	Restricted Funds	-0-	1,612,000	-0-
003.	Renovate Electrical Distribution - Phase V			
	Restricted Funds	-0-	3,747,000	-0-
004.	Renovate Central Heat Plant - Phase I			
	Reauthorization ($1,273,000 Restricted Funds)			
005.	Life Safety, Center for Research and Development			
	Restricted Funds	-0-	500,000	-0-
006.	Purchase Buses/Construct Bus Transportation Center			
	Restricted Funds	-0-	4,000,000	-0-
007.	Prepare IT Infrastructure			
	Restricted Funds	-0-	3,000,000	-0-
008.	Guaranteed Energy Savings Project			
009.	Construct Radio and Television Transmission Tower			
	Restricted Funds	-0-	615,000	-0-
010.	Purchase Digital Television Transmission System			
	Reauthorization ($1,993,000 Restricted Funds, $1,328,000 Federal Funds)			
011.	Purchase Property for Campus Expansion			
	Restricted Funds	-0-	3,000,000	-0-
012.	Construct Academic-Athletic Performance Center			
	Restricted Funds	-0-	9,000,000	-0-
013.	Acquire Video Server			
	Restricted Funds	-0-	800,000	-0-
014.	Expand Campus Network - Phase II			
	Restricted Funds	-0-	785,000	-0-
015.	Secure Network Log-On System			
	Restricted Funds	-0-	800,000	-0-
016.	Replace Server			
	Reauthorization ($880,000 Restricted Funds)			
017.	Center KY Regional Postsecondary Education Center, Phase II, Design			
	Restricted Funds	-0-	1,625,000	-0-
018.	Renovate Grise Hall - Design			
	Restricted Funds	-0-	1,398,000	-0-
019.	Implement Wireless Communication System			
	Restricted Funds	-0-	2,000,000	-0-
020.	Renovate Garrett Conference Center - Design			
	Reauthorization ($858,000 Restricted Funds)			
021.	Renovate Academic Athletic #2, Design			
	Restricted Funds	-0-	2,000,000	-0-
022.	Downing University Center Dining Renovation Phase II/Other Dining Improvements			
	Other Funds	-0-	2,000,000	-0-
023.	Van Meter Overlook Project			
	Other Funds	-0-	800,000	-0-
024.	Renovate South Campus			
	Restricted Funds	-0-	11,500,000	-0-
025.	Renovate Downing University Center - Phase III			
	Restricted Funds	-0-	7,000,000	-0-
026.	Construct Student Health Services Building			

	Restricted Funds	-0-	4,000,000	-0-
11.	**KENTUCKY COMMUNITY AND TECHNICAL COLLEGE SYSTEM (KCTCS)**			
001.	Gateway CTC-Expand Edgewood Campus			
	Bond Funds	-0-	14,070,000	-0-
	Restricted Funds	-0-	1,000,000	-0-
	TOTAL	-0-	15,070,000	-0-
002.	Warren County Technology Center			
	Bond Funds	5,500,000	-0-	-0-
003.	Capital Renewal and Deferred Maintenance Pool			
	Restricted Funds	-0-	5,240,000	-0-
004.	Construct Ashland Community Technology Center			
	Bond Funds	-0-	12,066,000	-0-
	Restricted Funds	-0-	1,000,000	-0-
	TOTAL	-0-	13,066,000	-0-
005.	Construct Owensboro Advanced Technology Center			
	Bond Funds	-0-	13,088,000	-0-
	Restricted Funds	-0-	1,000,000	-0-
	TOTAL	-0-	14,088,000	-0-
006.	Construct Franklin Technology Center Reauthorization ($1,000,000 Bond Funds)			
	Bond Funds	-0-	12,000,000	-0-
007.	Renovate Aircraft Maintenance Lab, Somerset CC, South Campus			
	Bond Funds	-0-	1,500,000	-0-
008.	KCTCS Information Tech Infrastructure Upgrade			
	Restricted Funds	-0-	12,000,000	-0-
009.	Renovate HVAC Syst. SE Campus, Owensboro C&TC			
	Restricted Funds	-0-	625,000	-0-
010.	Construct Area 9 Training Bldg. State Fire & Rescue			
	Restricted Funds	-0-	537,000	-0-
011.	Property Acquisition Pool			
	Restricted Funds	-0-	1,100,000	-0-
012.	Install Sprinkler Systems, West Ky. C&TC			
	Restricted Funds	-0-	600,000	-0-
013.	Repairs to Allied Health Bldg. West Ky. C&TC			
	Restricted Funds	-0-	750,000	-0-
014.	Renovate HVAC System - Strunk Bldg., Somerset CC			
	Restricted Funds	-0-	894,000	-0-
015.	Renovate HVAC System - Meece Bldg., Somerset CC			
	Restricted Funds	-0-	859,000	-0-
016.	Purchase Diagnostic Medical Sonography Unit			

	Restricted Funds	-0-	110,000	-0-
017.	Guaranteed Energy Savings Project			
018.	Henderson CC - Lease for Applied Technology Program			
019.	Jefferson CC - Jefferson Education Center Lease			
020.	System Office - Lease			
021.	Multi-Engine Aircraft - Somerset CC			
	Restricted Funds	-0-	575,000	-0-
022.	Henderson Technology Center			
	Bond Funds	-0-	13,066,000	-0-
023.	Madisonville Technology and Coal Bed Methane Research Center			
	Bond Funds	-0-	9,000,000	-0-
	Restricted Funds	-0-	3,000,000	-0-
	TOTAL	-0-	12,000,000	-0-

K. TRANSPORTATION CABINET

Budget Units		**2004-05**	**2005-06**
1.	**GENERAL ADMINISTRATION AND SUPPORT**		
001.	Overhead Doors and Emergency Repair		
	Road Fund	200,000	200,000
002.	Construction or Repair Salt Structure		
	Road Fund	250,000	250,000
003.	Remove Hazardous Materials		
	Road Fund	50,000	50,000
004.	Building Renovation and Emergency Repairs		
	Road Fund	420,000	420,000
005.	Pro. Management (PRECON/6 YR Plan)		
	Road Fund	2,000,000	-0-
006.	Construct Louisville District Office		
	Highway Construction Contingency Account		
	(Project Scope $5,950,000)		
007.	Address Water and Wastewater		
	Road Fund	100,000	100,000
008.	Painting and Roof Repair or Replacement		
	Road Fund	219,000	218,000
009.	Road Maintenance Parks		
	Road Fund	1,500,000	1,500,000
010.	Conduct Paving and Landscaping		
	Road Fund	50,000	50,000
011.	Repair Loadometer and Rest Areas		
	Road Fund	460,000	460,000
012.	Various Environmental Compliance		
	Road Fund	1,000,000	1,000,000

L. COAL SEVERANCE TAX PROJECTS

(1) Projects Authorization and Appropriation: Notwithstanding KRS 42.4588(2) and (4), the following projects are authorized and appropriated from Local Government Economic Development Fund moneys from the respective single county fund pursuant to KRS 42.4592 for public purposes in the following coal-producing counties in the manner and amounts enumerated. These projects are determined by the General Assembly to be important to the furtherance of the public policy objectives and economic development purposes for which the Local Government Economic Development Program was established. The amounts appropriated are estimates. Actual expenditures and encumbrances shall be limited to the actual receipts realized and available in the respective single county fund. These amounts are comprised of estimated receipts for fiscal year 2004-2005 and fiscal year

2005-2006 in combination with prior unobligated balances in the respective single county funds. To the extent that a county that is authorized to proceed with a project enumerated below receives more single county Local Government Economic Development Fund moneys than are appropriated in this Act, the county may direct those funds to offset a cost overrun on any of the projects enumerated below upon approval of the Commissioner of the Coal County Development Office.

(2) Water and Sewer Projects: The following projects that are related to water and sewer shall be administered by the Kentucky Infrastructure Authority.

1. GOVERNMENT OPERATIONS

Budget Unit	**2003-04**	**2004-05**
a. Local Government		
Bell County		
001. Bell County Fiscal Court - 1st Tee Program - Operating		
Restricted Funds	2,500	2,500
002. Bell County Fiscal Court - Bell County Health Department - Operations		
Restricted Funds	5,000	5,000
003. Bell County Fiscal Court - Bell County Public Library - Operations		
Restricted Funds	5,000	5,000
004. Bell County Fiscal Court - City of Middlesboro - Water and/or Other Projects		
Restricted Funds	100,000	100,000
005. Bell County Fiscal Court - City of Pineville - Water and /or Other Projects		
Restricted Funds	50,000	50,000
006. Bell County Fiscal Court - Frakes Volunteer Fire Department - Operations and Equipment		
Restricted Funds	5,000	5,000
007. Bell County Fiscal Court - History Museum - Operations		
Restricted Funds	5,000	5,000
008. Bell County Fiscal Court - Interfaith of Bell County - Operations for Homeless Shelter		
Restricted Funds	2,500	2,500
009. Bell County Fiscal Court - Lighthouse Mission - Operations for Food, Clothing, Pantry and Medical Clinic		
Restricted Funds	10,000	10,000
010. Bell County Fiscal Court - P38 Museum - Operations		
Restricted Funds	15,000	15,000
011. Bell County Fiscal Court - Rescue Squad - Operations and Equipment		
Restricted Funds	5,000	5,000
012. Bell County Fiscal Court - Sheriff's Department - Operations and Equipment		
Restricted Funds	10,000	10,000
013. Bell County Fiscal Court - Water and/or Other Projects		
Restricted Funds	650,000	650,000
Boyd County		
001. Ashland Board of Education - Construction and Facility Improvements		
Restricted Funds	27,500	-0-
002. Ashland School District - Charles Russell Elementary - Equipment, Building and Ground Improvements		
Restricted Funds	5,000	-0-

003.	Boyd County Board of Education - Boyd County High School - New Construction, Facility and Ground Improvements		
	Restricted Funds	-0-	87,722
004.	Boyd County Board of Education - Boyd County Middle School - Construction and Facility Improvements		
	Restricted Funds	27,500	-0-
005.	Boyd County Fiscal Court - Boyd County Fair - Building and Ground Improvements		
	Restricted Funds	10,000	-0-
006.	Boyd County Fiscal Court - Hope's Place Building - Improvements		
	Restricted Funds	10,000	-0-
007.	Boyd County Fiscal Court - Infrastructure, County Facilities and Ground Improvements		
	Restricted Funds	20,828	-0-
008.	Boyd County Fiscal Court - Safe Harbor Building Improvements		
	Restricted Funds	10,000	-0-
009.	City of Catlettsburg - Infrastructure Improvements		
	Restricted Funds	25,000	-0-
010.	Fairview Independent Board of Education - Construction and Facility Improvements		
	Restricted Funds	20,000	-0-
Breathitt County			
001.	Breathitt County Fiscal Court - Breathitt County Inter-Generation Center - Operating		
	Restricted Funds	275,000	275,000
002.	Breathitt County Fiscal Court - Breathitt Life Skills Center - Operating		
	Restricted Funds	75,000	75,000
Butler County			
001.	Butler County Fiscal Court - Fire Departments - Equipment, Improvements, and Operating		
	Restricted Funds	104,149	-0-
Carter County			
001.	Carter County Fiscal Court - Carter Search and Rescue - Equipment		
	Restricted Funds	5,000	-0-
002.	Carter County Fiscal Court - Fire Departments - Equipment		
	Restricted Funds	50,000	-0-
003.	Carter County Fiscal Court - Park Development		
	Restricted Funds	10,000	-0-
004.	Carter County Fiscal Court - Skatepark Design and Feasibility Study		
	Restricted Funds	5,000	-0-
005.	Carter County Fiscal Court - Someday Outdoor Drama - Operations/Equipment/Improvements		
	Restricted Funds	5,000	-0-
006.	Grayson City Council - Parks and Recreation - Improvements and Equipment		
	Restricted Funds	25,000	-0-
007.	Olive Hill City Council - Downtown Beautification and Economic		

	Development		
	Restricted Funds	25,000	-0-
Christian County			
001.	Christian County Fiscal Court - Water Line Expansion Funds		
	Restricted Funds	100,000	100,000
Clay County			
001.	Clay County Fiscal Court - Administrative Building - Improvements		
	Restricted Funds	223,000	153,155
002.	Clay County Fiscal Court - Capital Construction and Renovation for Fogertown Project		
	Restricted Funds	10,000	-0-
003.	Clay County Fiscal Court - Divided Between Ten Fire Departments - Equipment		
	Restricted Funds	30,000	-0-
Daviess County			
001.	Daviess County Fiscal Court - Kentucky Highway 144 - Road Safety and Improvement Project		
	Restricted Funds	140,597	-0-
Elliott County			
001.	Elliott County Fiscal Court - 504 Fire Department - Construction		
	Restricted Funds	10,000	20,000
002.	City of Sandy Hook - Downtown Beautification, Sidewalk and Street Repairs		
	Restricted Funds	15,000	5,000
003.	Elliott County Board of Education - Building and Ground Improvements - Program and Curriculum Enhancements		
	Restricted Funds	35,000	35,000
004.	Elliott County Board of Education - Elliott County Public Library - Curriculum, Program and Equipment Enhancements		
	Restricted Funds	17,349	10,983
005.	Elliott County Fiscal Court - Citco Fire Department - Construction and Equipment		
	Restricted Funds	10,000	10,000
006.	Elliott County Fiscal Court - Elliott County Ambulance Service - Equipment		
	Restricted Funds	10,000	-0-
007.	Elliott County Fiscal Court - Isonville Fire Department - Equipment and Improvements		
	Restricted Funds	10,000	10,000
Floyd County			
001.	City of Martin - Flood Control		
	Restricted Funds	20,000	20,000
002.	Floyd County Fiscal Court - Water and Sewer Lines		
	Restricted Funds	25,000	25,000
003.	Floyd County Fiscal Court - Court House Renovation		
	Restricted Funds	100,000	-0-
004.	Floyd County Fiscal Court - Economic Development Initiatives		

	Restricted Funds	250,000	60,000
005.	Floyd County Fiscal Court - Elkhorn Education Project - Minnie		
	Restricted Funds	15,000	15,000
006.	Floyd County Fiscal Court - Fire Departments (17) - Equipment and Operations		
	Restricted Funds	37,500	37,500
007.	Floyd County Fiscal Court - Fire Hydrant and Saddles		
	Restricted Funds	50,000	-0-
008.	Floyd County Fiscal Court - Jenny Wiley Recreation Area or Bond Reduction		
	Restricted Funds	-0-	700,000
009.	Floyd County Fiscal Court - Martin Community Center Drug Prevention - Operating		
	Restricted Funds	-0-	30,000
010.	Floyd County Fiscal Court - Mountain Top Recreation - Operating		
	Restricted Funds	125,000	75,000
011.	Floyd County Fiscal Court - Park Improvements		
	Restricted Funds	125,000	75,000
012.	Floyd County Fiscal Court - Senior Citizens Centers - Operating		
	Restricted Funds	56,000	56,000
013.	Floyd County Fiscal Court - Stabilization Mountain Top Structure for Economic Development		
	Restricted Funds	50,000	-0-
014.	Floyd County Fiscal Court - Water Line Extensions		
	Restricted Funds	50,000	-0-
015.	Floyd County Fiscal Court - Wet Tap Machine (Water Lines)		
	Restricted Funds	7,500	-0-
Greenup County			
001.	City of Flatwoods - Flatwoods Fire Department - Equipment		
	Restricted Funds	5,000	-0-
002.	City of Greenup - Greenup Fire Department - Equipment		
	Restricted Funds	5,000	-0-
003.	City of Raceland - Raceland Fire Department - Equipment		
	Restricted Funds	5,000	-0-
004.	City of Russell - Russell Volunteer Fire Department - Equipment		
	Restricted Funds	5,000	-0-
005.	City of South Shore - South Shore Volunteer Fire Department - Equipment		
	Restricted Funds	5,000	-0-
006.	City of South Shore - Study and Engineering for Expansion of Sewer System		
	Restricted Funds	20,000	-0-
007.	City of Worthington - Worthington Fire Department - Equipment		
	Restricted Funds	5,000	-0-
008.	City of Wurtland - Wurtland Fire Department - Equipment		

	Restricted Funds	5,000	-0-
009.	Greenbo Lake State Resort Park - Planning and Design of Cabins		
	Restricted Funds	-0-	15,000
010.	Greenup County Fair Board - Improvements		
	Restricted Funds	-0-	8,000
011.	Greenup County Fiscal Court - Amphitheater at Greenbo Lake State Resort Park - Improvements		
	Restricted Funds	35,000	-0-
012.	Greenup County Fiscal Court - Boat Docks and Canoe Put-ins		
	Restricted Funds	47,000	-0-
013.	Greenup County Fiscal Court - Greenup County High School - Improvements		
	Restricted Funds	-0-	4,955
014.	Greenup County Fiscal Court - Greenup County Adult Education - Operating		
	Restricted Funds	-0-	800
015.	Greenup County Fiscal Court - Guardrail on State Route 2070		
	Restricted Funds	20,000	-0-
016.	Greenup County Fiscal Court - Little Sandy Volunteer Fire Department - Equipment		
	Restricted Funds	5,000	-0-
017.	Greenup County Fiscal Court - Lloyd Volunteer Fire Department - Equipment		
	Restricted Funds	5,000	-0-
018.	Greenup County Fiscal Court - Load Fire Department - Equipment		
	Restricted Funds	5,000	-0-
019.	Greenup County Fiscal Court - Malonton Fire Department - Equipment		
	Restricted Funds	5,000	-0-
020.	Greenup County Fiscal Court - Oldtown Volunteer Fire Department - Equipment		
	Restricted Funds	5,000	-0-
021.	Greenup County Fiscal Court - Paving, Blacktop and Road Repair		
	Restricted Funds	-0-	20,000
022.	Greenup County Fiscal Court - Raceland-Worthington High School - Improvements		
	Restricted Funds	-0-	4,955
023.	Greenup County Fiscal Court - Russell High School - Improvements		
	Restricted Funds	-0-	4,955
024.	Greenup County Fiscal Court - Welcome to Greenup County Sign on Industrial Parkway		
	Restricted Funds	-0-	4,200
025.	Greenup County Tourism Commission - Welcome Sign on US 23 near KY side of US Grant Bridge		
	Restricted Funds	5,000	-0-

Harlan County

001.	Harlan County Fiscal Court - $5,000 for Each Existing Volunteer Fire Department - Operations/Equipment		
	Restricted Funds	-0-	65,000
002.	Harlan County Fiscal Court - $5,000 for Each Rescue Squad for Operations/Equipment		
	Restricted Funds	10,000	10,000
003.	Harlan County Fiscal Court - ARH Indigent Program - Operations		
	Restricted Funds	-0-	100,000
004.	Harlan County Fiscal Court - Bledsoe - Green Hill Water Expansion		
	Restricted Funds	-0-	100,000
005.	Harlan County Fiscal Court - Bledsoe Community Center - Operations/Improvements		
	Restricted Funds	20,000	-0-
006.	Harlan County Fiscal Court - Building and Equipment		
	Restricted Funds	100,000	80,000
007.	Harlan County Fiscal Court - Camp Blanton Repairs/Improvements		
	Restricted Funds	30,000	25,000
008.	Harlan County Fiscal Court - Cawood Ledford Boys and Girls Club - Operations/Equipment		
	Restricted Funds	-0-	54,165
009.	Harlan County Fiscal Court - City of Cumberland - Operations and Equipment		
	Restricted Funds	45,000	25,000
010.	Harlan County Fiscal Court - City of Evarts - Operations/Equipment		
	Restricted Funds	20,000	25,000
011.	Harlan County Fiscal Court - City of Harlan - Inspection, Extension, and Repair Sewer - Downtown and Grays Knob		
	Restricted Funds	200,000	100,000
012.	Harlan County Fiscal Court - City of Harlan - Operations/Equipment		
	Restricted Funds	-0-	35,000
013.	Harlan County Fiscal Court - City of Loyall - City Improvements/Park and Operations Center of Harlan		
	Restricted Funds	15,000	15,000
014.	Harlan County Fiscal Court - City of Lynch - Operations/Equipment/Sewers		
	Restricted Funds	70,000	25,000
015.	Harlan County Fiscal Court - Cumberland River Comprehensive Care - Operations/Equipment		
	Restricted Funds	-0-	100,000
016.	Harlan County Fiscal Court - Harlan County Drug Rehab - Operations		
	Restricted Funds	-0-	40,000
017.	Harlan County Fiscal Court - Harlan County Tourism - Operating		
	Restricted Funds	75,000	50,000
018.	Harlan County Fiscal Court - Harlan County Utility District Formation		

	Restricted Funds	75,000	50,000
019.	Harlan County Fiscal Court - Harlan Court Jail - Operating/Equipment/Improvements		
	Restricted Funds	200,000	300,000
020.	Harlan County Fiscal Court - Mountain Comp Health Care/Clinic		
	Restricted Funds	-0-	100,000
021.	Harlan County Fiscal Court - Old Courthouse Repairs		
	Restricted Funds	50,000	50,000
022.	Harlan County Fiscal Court - Pathfork Park - Improvements		
	Restricted Funds	5,000	5,000
023.	Harlan County Fiscal Court - Senior Citizens Center - Expansion of Service and Repairs		
	Restricted Funds	50,000	40,000
024.	Harlan County Fiscal Court - Water Line Expansion - Pathfork, Cranks and Day Branch		
	Restricted Funds	500,000	-0-
025.	Harlan County Fiscal Court for Southeast Community College Foundation - Improvements Portal 31/Golf Course/Benham Inn		
	Restricted Funds	100,000	150,000

Henderson County

001.	Henderson County Fiscal Court - Construction Multi-Purpose Pole Barn		
	Restricted Funds	131,129	131,129
002.	Henderson County Fiscal Court - Henderson County Airport - Purchase of Snow Removal Equipment		
	Restricted Funds	15,000	15,000
003.	Henderson County Fiscal Court - Henderson County Fair Grounds - Construction Bathroom and Shelter		
	Restricted Funds	75,000	75,000
004.	Henderson County Fiscal Court - Henderson County Riverport - Asphalt and Drainage System and Hold Area		
	Restricted Funds	25,000	25,000

Hopkins County

001.	City of Dawson Springs - Darby House Transportation Museum and Welcome Center		
	Restricted Funds	80,000	-0-
002.	City of Earlington - Sidewalk Project		
	Restricted Funds	200,000	-0-
003.	City of Hanson - Parking Lot Project		
	Restricted Funds	50,000	-0-
004.	City of Mortons Gap - Sidewalk Project		
	Restricted Funds	20,000	-0-
005.	City of Nebo - City Hall/Community Center Project		
	Restricted Funds	60,000	-0-
006.	City of Nortonville - City Hall/Museum - Renovations		
	Restricted Funds	100,000	-0-
007.	City of St. Charles - Community Park/Recreation Area		
	Restricted Funds	10,000	-0-
008.	City of White Plains - Municipal Building Project		

	Restricted Funds	200,000	-0-
009.	Hopkins County Fiscal Court - Economic Development Land Acquisition Project		
	Restricted Funds	530,000	-0-
010.	Hopkins County Fiscal Court - Geographic Information Systems Project		
	Restricted Funds	105,000	-0-
011.	Hopkins County Fiscal Court - Government Center - Roof Repair		
	Restricted Funds	75,000	-0-
012.	Hopkins County Fiscal Court - Volunteer Fire Departments		
	Restricted Funds	70,000	-0-
013.	Pennyrile Allied Community Services - Expansion and Renovation of Regional Senior Citizens Center in Madisonville		
	Restricted Funds	400,000	-0-
Jackson County			
001.	Jackson County Fiscal Court - Equipment Purchase		
	Restricted Funds	19,080	32,713
002.	Jackson County Fiscal Court - Kelly Road Water Lines		
	Restricted Funds	16,518	-0-
Johnson County			
001.	Johnson County Fiscal Court - Fire Departments for Equipment Purchases		
	Restricted Funds	35,000	35,000
002.	Johnson County Fiscal Court - Johnson County Sheriff's Department - Equipment Purchase		
	Restricted Funds	120,000	-0-
Knott County			
001.	Knott County Fiscal Court - Ball Creek Park - Improvements, Equipment, and Operating		
	Restricted Funds	10,000	10,000
002.	Knott County Fiscal Court - Ball Creek Volunteer Fire Department - Equipment, Operating, and Improvements		
	Restricted Funds	10,000	10,000
003.	Knott County Fiscal Court - Beaver Park - Lights, Restrooms and Concessions		
	Restricted Funds	200,000	-0-
004.	Knott County Fiscal Court - Carr Fork Volunteer Fire Department - Equipment, Improvements, Operating		
	Restricted Funds	10,000	10,000
005.	Knott County Fiscal Court - Dry Creek Park - Improvements and Equipment		
	Restricted Funds	5,000	5,000
006.	Knott County Fiscal Court - Fisty Volunteer Fire Department - Equipment, Operating, Improvements		
	Restricted Funds	10,000	10,000
007.	Knott County Fiscal Court - Hindman Park - Improvements and Equipment		
	Restricted Funds	10,000	10,000
008.	Knott County Fiscal Court - Hindman Volunteer Fire Department - Equipment, Operating, Improvements		
	Restricted Funds	10,000	10,000

009.	Knott County Fiscal Court - Jones Fork Park - Improvements and Equipment		
	Restricted Funds	10,000	10,000
010.	Knott County Fiscal Court - Jones Fork Volunteer Fire Department - Equipment, Operating and Improvements		
	Restricted Funds	10,000	10,000
011.	Knott County Fiscal Court - KDAC, Inc. - Purchase of Office Equipment		
	Restricted Funds	5,000	-0-
012.	Knott County Fiscal Court - Kite Park - Improvements and Equipment		
	Restricted Funds	10,000	10,000
013.	Knott County Fiscal Court - Kite Topmost Volunteer Fire Department - Equipment, Operating and Improvements		
	Restricted Funds	10,000	10,000
014.	Knott County Fiscal Court - Knott County Business Incubator - Operating, Improvements, Equipment		
	Restricted Funds	500,000	-0-
015.	Knott County Fiscal Court - Knott County Coroner Suburban - Radio Communication Equipment, Warning Lights, Stretcher and Equipment		
	Restricted Funds	39,180	-0-
016.	Knott County Fiscal Court - Knott County Emergency Rescue Squad and Fire Department - Equipment, Operating and Improvements		
	Restricted Funds	10,000	10,000
017.	Knott County Fiscal Court - Knott County Public Library - Operating, Equipment, Improvements		
	Restricted Funds	160,000	50,000
018.	Knott County Fiscal Court - Knott County Senior Citizens Center - Operating, Improvements, Equipment		
	Restricted Funds	56,000	-0-
019.	Knott County Fiscal Court - Knott County Youth Foundation, Inc - Operating and Improvements		
	Restricted Funds	250,000	75,000
020.	Knott County Fiscal Court - Lotts Creek Volunteer Fire Department - Equipment, Operating and Improvements		
	Restricted Funds	10,000	10,000
021.	Knott County Fiscal Court - Lotts Creek Water Line Completion		
	Restricted Funds	50,000	-0-
022.	Knott County Fiscal Court - Old Knott County Courthouse - Refurbishing		
	Restricted Funds	50,000	-0-
023.	Knott County Fiscal Court - Pippa Passes Volunteer Fire Department - Equipment, Operating and Improvements		
	Restricted Funds	10,000	10,000
024.	Knott County Fiscal Court - Red Fox Park - Improvements and Equipment		
	Restricted Funds	10,000	10,000
025.	Knott County Water and Sewer District - Ball Creek Water Project		
	Restricted Funds	-0-	427,960

026.	Knott County Water and Sewer District - Combs Branch Water Project		
	Restricted Funds	66,000	-0-
027.	Knott County Water and Sewer District - Irishman Creek Water Project (WX21119004)		
	Restricted Funds	-0-	500,000
Knox County			
001.	Knox County Ambulance Service - Ambulance		
	Restricted Funds	30,000	-0-
002.	Knox County Fiscal Court - Equipment for 10 Fire Departments at $20,000 each. (Barbourville, Corbin, Woodbine-New Covenant, East Knox, West Knox, Richland, Dewitt, Poplar Creek, Artemus, and Stinking Creek)		
	Restricted Funds	200,000	-0-
003.	Knox County Sheriff's Department - Patrol Cars		
	Restricted Funds	30,000	-0-
004.	Knox County Utility Commission - Water Line Extensions		
	Restricted Funds	207,527	-0-
Laurel County			
001.	Laurel County Water District II - Sublimity		
	Restricted Funds	84,376	-0-
Lawrence County			
001.	City of Louisa - Downtown Beautification, Sidewalk, Street and City Park Improvements		
	Restricted Funds	47,000	-0-
002.	Lawrence County Board of Education - Facility and Ground Improvements - Refurbish Outdoor Facilities		
	Restricted Funds	100,000	-0-
003.	Lawrence County Fiscal Court - Blaine City Park - Various Construction, Equipment and Ground Improvements		
	Restricted Funds	25,000	-0-
004.	Lawrence County Fiscal Court - Chapman Park Improvements - Various Construction, Equipment and Ground Improvements		
	Restricted Funds	20,000	-0-
005.	Lawrence County Fiscal Court - Divided among Seven Fire Departments Equally - Equipment		
	Restricted Funds	-0-	70,000
006.	Lawrence County Fiscal Court - Economic Development & Tourism - Pleasant Ridge Park - Various Park Improvements, New Construction, Upgrades and Infrastructure		
	Restricted Funds	80,000	45,000
007.	Lawrence County Fiscal Court - Fallsburg Community Center - Building and Ground Improvements		
	Restricted Funds	25,000	-0-
008.	Lawrence County Fiscal Court - Various Economic Development Projects, Water and Sewer, Industrial Site Upgrades and Improvements		
	Restricted Funds	-0-	90,206
Lee County			
001.	Lee County Fiscal Court - "Happy Top" Development		
	Restricted Funds	400,000	-0-

002.	Lee County Fiscal Court - Ambulance Equipment		
	Restricted Funds	90,000	-0-
003.	Lee County Fiscal Court - Fire Department - Equipment		
	Restricted Funds	50,000	-0-
004.	Lee County Fiscal Court - Happy Top Development		
	Restricted Funds	170,000	-0-
005.	Lee County Fiscal Court - Pep, Inc. - Equipment		
	Restricted Funds	3,000	-0-
006.	Lee County Sheriff - Cruiser and Equipment		
	Restricted Funds	50,000	-0-
Leslie County			
001.	City of Hyden - Outdoor Classroom and Trash Receptacles		
	Restricted Funds	10,000	-0-
002.	Hyden-Leslie Water District - Grassy Water Line Extensions		
	Restricted Funds	582,747	-0-
003.	Hyden-Leslie Water District - Upgrade City of Hyden Transmission Mains		
	Restricted Funds	-0-	500,000
004.	Leslie County Fiscal Court - CREEK Center - Building Improvements		
	Restricted Funds	5,000	-0-
005.	Leslie County Fiscal Court - Cutshin Senior Citizens - Operating		
	Restricted Funds	-0-	100,000
006.	Leslie County Fiscal Court - Economic Development Property Acquisition/Property Development		
	Restricted Funds	-0-	427,322
007.	Leslie County Fiscal Court - Jail Renovation/Property Acquisition/ New Facility		
	Restricted Funds	500,000	-0-
008.	Leslie County Fiscal Court - Leslie County Community Development Center - Operating		
	Restricted Funds	90,000	90,000
009.	Leslie County Fiscal Court - Leslie County Drug Awareness - Operating		
	Restricted Funds	25,000	-0-
010.	Leslie County Fiscal Court - Leslie County History Museum - Operating		
	Restricted Funds	20,000	-0-
011.	Leslie County Fiscal Court - Leslie County Jail - Purchase of Two Vehicles		
	Restricted Funds	60,000	-0-
012.	Leslie County Fiscal Court - Leslie County Little League - Improvements		
	Restricted Funds	20,000	-0-
013.	Leslie County Fiscal Court - Leslie County Volunteer Fire Department - Equipment		
	Restricted Funds	60,000	60,000
014.	Leslie County Fiscal Court - Mozelle Senior Citizens - Operating		
	Restricted Funds	25,000	-0-

015.	Leslie County Fiscal Court - Richard Nixon Center - Renovations		
	Restricted Funds	100,000	-0-
016.	Leslie County Fiscal Court - Transportation		
	Restricted Funds	533,103	50,000
017.	Leslie County Parks Board - Improvements, Equipment and Construction		
	Restricted Funds	50,000	-0-

Letcher County

001.	City of Jenkins - Downtown Revitalization Project Completion		
	Restricted Funds	100,000	-0-
002.	City of Jenkins - Jenkins Education Foundation		
	Restricted Funds	-0-	75,000
003.	City of Whitesburg - Southeast Community College - Construction Allied Health Building		
	Restricted Funds	-0-	200,000
004.	Letcher County Fiscal Court - Campbell's Branch Community Center - Purchase Building from Letcher County Board of Education		
	Restricted Funds	240,000	-0-
005.	Letcher County Fiscal Court - Carcassonne Community Center - Heating, Windows, and Repairs to Building		
	Restricted Funds	25,000	25,000
006.	Letcher County Fiscal Court - City of Blackey Recreational Park		
	Restricted Funds	25,000	25,000
007.	Letcher County Fiscal Court - Cowan Community Center - Improvements		
	Restricted Funds	35,000	35,000
008.	Letcher County Fiscal Court - Cumberland Mountain Arts and Crafts Council - Little Shepherd Amphitheater Project		
	Restricted Funds	20,000	20,000
009.	Letcher County Fiscal Court - Hemphill Community Center - Purchase Building from Letcher County Board of Education		
	Restricted Funds	120,000	-0-
010.	Letcher County Fiscal Court - Isom Park and Walking Track		
	Restricted Funds	25,000	25,000
011.	Letcher County Fiscal Court - Isom-Jeremiah Area Community Park and Recreation Facility		
	Restricted Funds	25,000	25,000
012.	Letcher County Fiscal Court - Jenkins Park and Baseball Field - Lighting and Improvements		
	Restricted Funds	120,000	-0-
013.	Letcher County Fiscal Court - Jenkins Tourism - Renovation of Old Jenkins High School		
	Restricted Funds	50,000	50,000
014.	Letcher County Fiscal Court - Letcher Co. Industrial Recruiter/Economic Development Coordinator		
	Restricted Funds	100,000	100,000
015.	Letcher County Fiscal Court - Letcher Co. Veterans Museum		

	Restricted Funds	25,000	25,000
016.	Letcher County Fiscal Court - Letcher County Parks and Recreation - Eolia Park		
	Restricted Funds	25,000	-0-
017.	Letcher County Fiscal Court - Letcher County Parks and Recreation - Thornton Park - Improvements		
	Restricted Funds	25,000	-0-
018.	Letcher County Fiscal Court - Letcher County Recreational Park - Whitesburg		
	Restricted Funds	40,000	35,000
019.	Letcher County Fiscal Court - Letcher County Volunteer Fire Departments - 10 Fire Department $20,000 Each		
	Restricted Funds	200,000	-0-
020.	Letcher County Fiscal Court - McRoberts and Jenkins Park - Playground Equipment		
	Restricted Funds	40,000	-0-
021.	Letcher County Fiscal Court - Neon Little League Field - Improvements and Equipment		
	Restricted Funds	25,000	-0-
022.	Letcher County Fiscal Court - Raven Rock Park - Purchase and Improvement		
	Restricted Funds	100,000	150,000
023.	Letcher County Sheriff's Office - Equipment		
	Restricted Funds	60,000	-0-
024.	Letcher County Water and Sewer District - Crofts Colly Water Line Extension (WX21133200)		
	Restricted Funds	-0-	400,000
025.	Letcher County Water and Sewer District - Cumberland River Water Line Extension (WX21133500)		
	Restricted Funds	-0-	400,000
026.	Letcher County Water and Sewer District - Dry Fork Water Project		
	Restricted Funds	275,000	-0-
027.	Letcher County Water and Sewer District - Thorton Water Line Extension (WX21133008)		
	Restricted Funds	-0-	400,000
028.	Southeast Community College - Construction Academic/Technical Building - Whitesburg Campus		
	Restricted Funds	-0-	125,000

Magoffin County

001.	Magoffin County Fiscal Court - Bloomington Fire Department		
	Restricted Funds	25,000	25,000
002.	Magoffin County Fiscal Court - Lloyd M. Hall Community Center		
	Restricted Funds	139,000	150,000
003.	Magoffin County Fiscal Court - Magoffin County Sheriff's Department - Vehicle and Equipment Purchase		
	Restricted Funds	50,000	-0-
004.	Magoffin County Fiscal Court - Northern Magoffin Fire Department		
	Restricted Funds	25,000	25,000

005.	Magoffin County Fiscal Court - Northern Magoffin Fire Department - Purchase Truck		
	Restricted Funds	43,300	-0-
006.	Magoffin County Fiscal Court - REACH		
	Restricted Funds	15,000	15,000
007.	Magoffin County Fiscal Court - Royalton Fire Department, District 3		
	Restricted Funds	25,000	25,000
008.	Magoffin County Fiscal Court - Salyersville Fire Department		
	Restricted Funds	25,000	25,000
009.	Magoffin County Fiscal Court - TEEN SCENE		
	Restricted Funds	10,000	10,000
010.	Magoffin County Rescue Squad, Inc. - Northern Magoffin Fire Department		
	Restricted Funds	50,000	50,000

Martin County

001.	Martin County Fiscal Court - Warfield Veterans Memorial Monument - Design/Acquisition/Construction		
	Restricted Funds	10,000	-0-

McCreary County

001.	McCreary County Fiscal Court - McCreary County Industrial Park Development Local Match to EDA Application		
	Restricted Funds	170,000	-0-
002.	McCreary County Fiscal Court - McCreary County Recreational Park - Land Acquisition/Improvements/Construction		
	Restricted Funds	100,000	-0-
003.	McCreary County Fiscal Court - McCreary County Rescue Squad - Equipment/Operations		
	Restricted Funds	10,000	-0-
004.	McCreary County Fiscal Court - McCreary County Senior Citizens - Land Acquisition		
	Restricted Funds	17,101	-0-

McLean County

001.	McLean County Fiscal Court - High Speed Data/IT (E-Government)		
	Restricted Funds	-0-	50,000
002.	McLean County Fiscal Court - Fire Department - Construction		
	Restricted Funds	200,000	-0-
003.	McLean County Fiscal Court - Rumsey Sewer Debit Service/Construction		
	Restricted Funds	75,000	-0-
004.	McLean County Fiscal Court - Water Line Construction - Brooks School Road		
	Restricted Funds	-0-	15,000
005.	McLean County Fiscal Court -Water Tank Interconnect (KY 81/KY 136)		
	Restricted Funds	-0-	95,000

Menifee County

001.	City of Frenchburg - Big Woods Fire Department - Equipment, Operations, Improvements		

	Restricted Funds	10,000	-0-
002.	City of Frenchburg - City of Frenchburg Fire Department - Equipment, Operations, Improvements		
	Restricted Funds	10,000	-0-
003.	City of Frenchburg - Denniston Fire Department - Equipment, Improvements, Operating		
	Restricted Funds	10,000	-0-
004.	City of Frenchburg - Downtown Revitalization		
	Restricted Funds	40,000	-0-
005.	City of Frenchburg - Means Fire Department - Equipment, Operating, Improvements		
	Restricted Funds	10,000	-0-
006.	City of Frenchburg - Menifee County Rescue and Emergency Squad - Operations, Equipment, Improvements		
	Restricted Funds	10,000	-0-
Morgan County			
001.	City of West Liberty - Helping Hands Animal Shelter - Matching Funds/Startup		
	Restricted Funds	10,000	-0-
002.	City of West Liberty - Old Mill Park and Treadway Memorial Park - Lighting		
	Restricted Funds	10,000	-0-
003.	Morgan County Appalachian Regional Hospital - Diabetes Program - Development/Startup		
	Restricted Funds	100,000	-0-
004.	Morgan County Fiscal Court - Equipment		
	Restricted Funds	100,000	-0-
005.	Morgan County Historical Society - Old W.P.A. Jail Museum - Restoration		
	Restricted Funds	50,000	-0-
006.	Morgan County Water District - Blackwater Fire Department - Equipment/Operating/Improvements		
	Restricted Funds	10,000	-0-
007.	Morgan County Water District - 519 Fire Department - Equipment/Operating/Improvements		
	Restricted Funds	10,000	-0-
008.	Morgan County Water District - 519 Fire Department/Wrigley Fire Department Expansion		
	Restricted Funds	10,000	-0-
009.	Morgan County Water District - Caney Valley Fire Department - Equipment/Operating/Improvements		
	Restricted Funds	10,000	-0-
010.	Morgan County Water District - Crockett Fire Department - Equipment/Operating/Improvements		
	Restricted Funds	10,000	-0-
011.	Morgan County Water District - Morgan County Rescue Squad - Operations/Improvements/Equipment		
	Restricted Funds	10,000	-0-
012.	Morgan County Water District - Peddler Gap Fire Department - Equipment/Operating/Improvements		
	Restricted Funds	10,000	-0-
013.	Morgan County Water District - White Oak Fire Department -		

	Equipment/Operating/Improvements		
	Restricted Funds	10,000	-0-
014.	University of Kentucky Regional Technology Center - Sidewalk and Stairs Construction and Paving		
	Restricted Funds	60,000	-0-
Muhlenberg County			
001.	Bremen Water District #3 - Install 8" Water Line along Black Lake Road		
	Restricted Funds	200,000	-0-
002.	City of Central City - Beechmont Fire Department - Equipment Purchase		
	Restricted Funds	3,125	-0-
003.	City of Central City - Bremen Fire Department - Equipment Purchase		
	Restricted Funds	3,125	-0-
004.	City of Central City - Central City Fire Department - Equipment Purchase		
	Restricted Funds	3,125	-0-
005.	City of Central City - Drakesboro Fire Department - Equipment Purchase		
	Restricted Funds	3,125	-0-
006.	City of Central City - Dunmor Fire Department - Equipment Purchase		
	Restricted Funds	3,125	-0-
007.	City of Central City - Graham Fire Department - Equipment Purchase		
	Restricted Funds	3,125	-0-
008.	City of Central City - Greenville Fire Department - Equipment Purchase		
	Restricted Funds	3,125	-0-
009.	City of Central City - Nelson Fire Department - Equipment Purchase		
	Restricted Funds	3,125	-0-
010.	City of Central City - Purchase of New City Building		
	Restricted Funds	150,000	-0-
011.	City of Drakesboro - Install 6" Sewer Line with Lift Station from Drakesboro to Southern Elementary at Browder		
	Restricted Funds	100,000	-0-
012.	City of Greenville or City of Central City - Sewer Lines and Appurtenances for Paradise Regional Industrial Park, Graham Kentucky to Augment any Loan or Grant		
	Restricted Funds	550,000	-0-
013.	City of Greenville Parks Department - Replacement of Two Tennis Courts at Morgan Park		
	Restricted Funds	65,000	-0-
014.	City of Greenville Utilities Commission - Match for Funds to Improve Sewer System		
	Restricted Funds	150,000	-0-
015.	Muhlenberg County Board of Education - Design/Construction Auditorium for New Greenville Elementary School		
	Restricted Funds	500,000	-0-
016.	Muhlenberg County Campus, Madisonville College - Workforce		

	Assessment and Training Project - Operations, Equipment, and Programming		
	Restricted Funds	250,000	-0-
017.	Muhlenberg County Fair Board - Expansion of Muhlenberg Ag. Center Building		
	Restricted Funds	80,000	-0-
018.	Muhlenberg County Fiscal Court - Industrial Park Land Purchase on or before June 30, 2005 or Water/Sewer Development at Paradise Industrial Park, Graham, Kentucky		
	Restricted Funds	125,000	-0-
019.	Muhlenberg County Library Board - Central City Library Annex		
	Restricted Funds	350,000	-0-
Ohio County			
001.	Ohio County Fiscal Court - County Sports Complex - Facilities Construction		
	Restricted Funds	50,000	-0-
002.	Ohio County Fiscal Court - Ohio County Courthouse - Renovation		
	Restricted Funds	501,000	-0-
003.	Ohio County Fiscal Court - Rockport Water Project - Renovation of Obsolete Plant		
	Restricted Funds	232,000	-0-
004.	Ohio County Fiscal Court - Veterans Museum - Upgrades		
	Restricted Funds	25,000	-0-
Owsley County			
001.	Owsley County Sheriff - Equipment		
	Restricted Funds	50,000	-0-
002.	Owsley County Board of Education - WOCS Capital Construction and Equipment		
	Restricted Funds	25,000	-0-
003.	Owsley County Fiscal Court - Booneville Fire Department		
	Restricted Funds	10,000	10,000
004.	Owsley County Fiscal Court - Fire Departments Communication System		
	Restricted Funds	25,000	-0-
005.	Owsley County Fiscal Court - Island City Fire Department - Water Tank		
	Restricted Funds	10,000	-0-
006.	Owsley County Fiscal Court - Purchase Road Equipment		
	Restricted Funds	75,000	50,000
007.	Owsley County Fiscal Court - Spec Building - Maintenance		
	Restricted Funds	53,524	-0-
008.	Owsley County Fiscal Court - Vincent Fire Department		
	Restricted Funds	10,000	10,000
009.	Owsley County Sheriff - Equipment		
	Restricted Funds	50,000	25,000
Perry County			
001.	City of Hazard - Operations/Equipment Purchase		
	Restricted Funds	200,000	-0-
002.	Perry County Fiscal Court - 911 Mapping Upgrade		

	Restricted Funds	50,000	50,000
003.	Perry County Fiscal Court - ACUP/Millseed Water Extension		
	Restricted Funds	-0-	120,000
004.	Perry County Fiscal Court - ARH Indigent Care Account		
	Restricted Funds	100,000	100,000
005.	Perry County Fiscal Court - City of Hazard - Airport Extension		
	Restricted Funds	100,000	100,000
006.	Perry County Fiscal Court - Civil War Reenactment Tourism Fund		
	Restricted Funds	10,000	10,000
007.	Perry County Fiscal Court - Hiner/Bulan Mountain Water Line Replacement		
	Restricted Funds	-0-	300,000
008.	Perry County Fiscal Court - Joshua's Dream Drug Rehab - Operating		
	Restricted Funds	150,000	-0-
009.	Perry County Fiscal Court - Park Maintenance and Improvement Fund		
	Restricted Funds	50,000	28,000
010.	Perry County Fiscal Court - Perry County Sheriff Matching Fund for United		
	Restricted Funds	200,000	-0-
011.	Perry County Fiscal Court - Senior Citizens Sustenance Fund		
	Restricted Funds	20,000	20,000
012.	Perry County Fiscal Court - Tourism Coordinator Salary, Vehicle and Office Expenses		
	Restricted Funds	100,000	70,000
013.	Perry County Fiscal Court - University Center of the Mountains - Operating		
	Restricted Funds	500,000	500,000
Pike County			
001.	Mountain Water District - Miscellaneous Water and Sewer Projects		
	Restricted Funds	1,100,000	-0-
002.	Mountain Water District - Sewer Projects		
	Restricted Funds	791,000	-0-
003.	Mountain Water District - Water Projects		
	Restricted Funds	1,250,000	1,250,000
004.	Pike County Board of Education - FRYSC's - Operating		
	Restricted Funds	100,000	100,000
005.	Pike County Fiscal Court - Black Gem Park - Equipment, Operating and Improvements		
	Restricted Funds	100,000	-0-
006.	Pike County Fiscal Court - Blackberry Senior Citizens Program - Construction, Operating and Improvements		
	Restricted Funds	50,000	-0-
007.	Pike County Fiscal Court - Breaks Park - Equipment, Operating and Improvements		
	Restricted Funds	50,000	-0-

008.	Pike County Fiscal Court - Dorton Park - Equipment, Operating and Improvements		
	Restricted Funds	75,000	25,000
009.	Pike County Fiscal Court - Drug Rehab Center - Equipment, Operating and Improvements		
	Restricted Funds	300,000	300,000
010.	Pike County Fiscal Court - Elkhorn City Fire Department - Equipment, Operating and Improvements		
	Restricted Funds	50,000	-0-
011.	Pike County Fiscal Court - Elkhorn City Heritage Council - Equipment, Operating and Improvements		
	Restricted Funds	-0-	10,000
012.	Pike County Fiscal Court - Elkhorn City Railroad Museum - Equipment, Operating and Improvements		
	Restricted Funds	5,000	-0-
013.	Pike County Fiscal Court - Elkhorn City Renaissance Program - Equipment, Operating and Improvements		
	Restricted Funds	20,000	-0-
014.	Pike County Fiscal Court - Feds Creek Park - Equipment, Operating and Improvements		
	Restricted Funds	25,000	-0-
015.	Pike County Fiscal Court - Fishtrap Park - Equipment, Operating and Improvements		
	Restricted Funds	1,000,000	-0-
016.	Pike County Fiscal Court - Freeburn Park - Equipment, Operating and Improvements		
	Restricted Funds	25,000	-0-
017.	Pike County Fiscal Court - Grants Branch Park - Equipment, Operating and Improvements		
	Restricted Funds	50,000	-0-
018.	Pike County Fiscal Court - Grapevine Fire Department - Equipment, Operating and Improvements		
	Restricted Funds	50,000	-0-
019.	Pike County Fiscal Court - Hardy Park - Equipment, Operating and Improvements		
	Restricted Funds	100,000	-0-
020.	Pike County Fiscal Court - Hatfield McCoy Trail Development Fund - Tourism Development		
	Restricted Funds	50,000	50,000
021.	Pike County Fiscal Court - HOPE, Inc. (Three Centers) - Equipment, Operating and Improvements		
	Restricted Funds	300,000	300,000
022.	Pike County Fiscal Court - Island Creek Park - Equipment, Operating and Improvements		
	Restricted Funds	25,000	-0-
023.	Pike County Fiscal Court - Kentucky HOPE - Equipment, Operating and Improvements		
	Restricted Funds	100,000	100,000
024.	Pike County Fiscal Court - Long Fork Park - Equipment, Operating and Improvements		
	Restricted Funds	25,000	-0-
025.	Pike County Fiscal Court - Lower Johns Creek Fire Department -		

	Equipment, Operating and Improvements		
	Restricted Funds	50,000	-0-
026.	Pike County Fiscal Court - Majestic Park - Equipment, Operating and Improvements		
	Restricted Funds	25,000	-0-
027.	Pike County Fiscal Court - Oven Fork Park - Equipment, Operating and Improvements		
	Restricted Funds	50,000	-0-
028.	Pike County Fiscal Court - Phelps DAV/VFW - Operations		
	Restricted Funds	50,000	-0-
029.	Pike County Fiscal Court - Phelps Fire Department - Equipment		
	Restricted Funds	150,000	-0-
030.	Pike County Fiscal Court - Pike County Ambulance Service - Equipment, Operating and Improvements		
	Restricted Funds	10,000	10,000
031.	Pike County Fiscal Court - Pike County DAV/VFW - Operating and Improvements		
	Restricted Funds	50,000	50,000
032.	Pike County Fiscal Court - Pike County Fire Departments - Equipment, Operating and Improvements		
	Restricted Funds	100,000	100,000
033.	Pike County Fiscal Court - Pike County Housing Authority - Construction, Land Acquisition, Equipment, Operating and Improvements		
	Restricted Funds	100,000	100,000
034.	Pike County Fiscal Court - Pike County Jail - Equipment, Operating and Improvements		
	Restricted Funds	75,000	-0-
035.	Pike County Fiscal Court - Pikeville Little League Baseball Field - Improvements		
	Restricted Funds	25,000	-0-
036.	Pike County Fiscal Court - Pinson Farm Park Project - Coon Creek - Equipment, Operating and Improvements		
	Restricted Funds	25,000	-0-
037.	Pike County Fiscal Court - Senior Citizens Program - Equipment, Operating and Improvements		
	Restricted Funds	100,000	-0-
038.	Pike County Fiscal Court - Sycamore Park - Equipment, Operating and Improvements		
	Restricted Funds	50,000	50,000
039.	Pike County Fiscal Court - Sycamore Fire Department - Equipment, Operating and Improvements		
	Restricted Funds	-0-	50,000
040.	Pike County Fiscal Court - Turkey Creek Volunteer Fire Department - Equipment, Operating and Improvements		
	Restricted Funds	10,000	-0-
041.	Pike County School Board - Phelps High School - Phelps History Center - Equipment, Operating and Improvements		
	Restricted Funds	25,000	25,000
Union County			
001.	City of Morganfield - Morganfield Fire Department - Equipment		

	Restricted Funds	5,000	-0-
002.	City of Sturgis - Downtown Sturgis Atrium and Amphitheater - Completion of Construction and Operations		
	Restricted Funds	150,000	-0-
003.	City of Sturgis - Elkwood Public Golf Course - Restrooms and Pro Shop		
	Restricted Funds	25,000	-0-
004.	City of Sturgis - Purchase and Renovation Old Sturgis H.S. Hotel and Museum		
	Restricted Funds	200,000	-0-
005.	City of Sturgis - Sturgis Community Rest Home		
	Restricted Funds	75,000	-0-
006.	City of Sturgis - Sturgis Fire Department - Equipment		
	Restricted Funds	5,000	-0-
007.	City of Uniontown - Improvements at Kentucky Recreational & Ballpark Complex		
	Restricted Funds	14,000	-0-
008.	Union County Fair Grounds Boards - Chain Link Fence		
	Restricted Funds	10,000	-0-
009.	Union County Fiscal County - Sewer System for Wyn Addition		
	Restricted Funds	750,000	-0-
010.	Union County Fiscal Court - Completion Union County Senior Citizens Building		
	Restricted Funds	235,000	-0-
011.	Union County Fiscal Court - Henshaw Fire Department - Administration/Equipment		
	Restricted Funds	5,000	-0-
012.	Union County Fiscal Court - Jimmy Veach Historical Center Facility Housing for Antique Farm Equipment		
	Restricted Funds	75,000	-0-
013.	Union County Fiscal Court - Sullivan Fire Department - Administration/Equipment		
	Restricted Funds	5,000	-0-
014.	Union County Fiscal Court - Union County Jail - Improvements and Maintenance		
	Restricted Funds	246,734	-0-
015.	Union County Fiscal Court - Union County Library - Improvements and Operations		
	Restricted Funds	200,000	-0-
016.	Union County Fiscal Court - Union County YMCA - Restrooms, Heating and Cooling System		
	Restricted Funds	16,000	-0-
017.	Union County Fiscal Court - Uniontown Fire Department - Administration/Equipment		
	Restricted Funds	5,000	-0-
018.	Union County Fiscal Court - Waverly Fire Department - Administration/Equipment		
	Restricted Funds	5,000	-0-
019.	Union County Fiscal Court - Whispering Meadows Fire Department - Administration/Equipment		

	Restricted Funds	5,000	-0-
Webster County			
001.	City of Blackford - Completion of Blackford Bridge Project		
	Restricted Funds	100,000	-0-
002.	City of Poole - Poole Fire Barn - Improvements		
	Restricted Funds	150,000	-0-
003.	City of Providence - Sewer Project		
	Restricted Funds	250,000	-0-
004.	City of Providence - Stabilization of Wall at Providence Fire Department		
	Restricted Funds	50,000	-0-
005.	City of Sebree - South Sebree Industrial Park Preparation for Business		
	Restricted Funds	200,000	-0-
006.	Webster County Fiscal Court - Warning Sirens Updated and Seven New Ones for County		
	Restricted Funds	175,000	-0-
007.	Webster County Fiscal Court - Wireless Internet Service for County Plus T1 Service		
	Restricted Funds	400,000	-0-
Whitley County			
001.	Whitley County Fiscal Court - Whitley County Senior Citizens - Purchase of Food Service Equipment & Storage Building		
	Restricted Funds	20,000	-0-
002.	Whitley County Fiscal Court - Lease-Purchase of New Police Cars for Whitley County Sheriff's Office		
	Restricted Funds	64,000	-0-
003.	Whitley County Fiscal Court - Purchase of Radios, ECG Monitor, Stair Chairs and Pediatric Devices for Whitley County EMS		
	Restricted Funds	22,000	-0-
004.	Whitley County Fiscal Court - Purchase of Six New Computers, Software and Related Equipment for County Judge's Office		
	Restricted Funds	13,000	-0-
005.	Whitley County Fiscal Court - Purchase of Two Trucks, Tractor and Other Equipment for Whitley County Road Department		
	Restricted Funds	50,000	-0-
006.	Whitley County Fiscal Court - Relocation of Primary Broadcast Tower Expenses and Related Equipment for Whitley County 911		
	Restricted Funds	80,000	-0-
Wolfe County			
001.	Wolfe County Board of Education - Red River School Septic System		
	Restricted Funds	50,000	-0-
002.	Wolfe County Fiscal Court - Campton Fire Department - Equipment, Improvements, Operating		
	Restricted Funds	30,000	-0-
003.	Wolfe County Fiscal Court - Hazel Green Fire Department - Equipment, Improvements, Operating		
	Restricted Funds	15,000	-0-
004.	Wolfe County Fiscal Court - Hazel Green Fire Department - Paving		

	Restricted Funds	15,000	-0-
005.	Wolfe County Fiscal Court - Helping Hands Animal Shelter - Matching Grant Funds/Startup		
	Restricted Funds	10,000	-0-
006.	Wolfe County Fiscal Court - Maintenance Garage		
	Restricted Funds	125,000	-0-
007.	Wolfe County Fiscal Court - Pryor Fork Road Wooden Bridge - Match on Repairs		
	Restricted Funds	10,000	-0-
008.	Wolfe County Fiscal Court - Wolfe County Rescue Squad - Equipment, Improvements, Operating		
	Restricted Funds	10,000	-0-

M. INFRASTRUCTURE FOR ECONOMIC DEVELOPMENT FUND FOR COAL PRODUCING COUNTIES

(1) Bond Authority: Bond Funds in the amount of $50,000,000 are authorized for projects within the Infrastructure for Economic Development Fund for Coal Producing Counties. The Bond Pool authorization identified in Part II, A. General Government, 2. Kentucky Infrastructure Authority, Item 003., of this Act, and the Projects list as identified in this section shall be placed under the jurisdiction of the Kentucky Infrastructure Authority (KIA). There is $4,767,000 in fiscal year 2005-2006 appropriated from Restricted Funds for debt service. From the effective date of this Act, interest earnings and/or investment income earned on bond proceeds shall be retained by the Infrastructure for Economic Development Fund for Coal Producing Counties. Any interest earnings and/or investment income shall be made available for approved projects. The Executive Director of KIA, the Secretary of the Finance and Administration Cabinet, and Bond Counsel shall determine the most permissive cost-advantageous method for issuing the bonds, including using an existing bond indenture, creating a new bond indenture, and utilizing the State Property and Buildings Commission or the Kentucky Asset/Liability Commission for the issuance of the bonds.

(2) Appropriations Not To Be Duplicated: Appropriations identified as Bond Funds in this section are representative of the amounts provided in Part II, A. General Government, 2. Kentucky Infrastructure Authority (KIA), Item 003., of this Act, and are not to be appropriated in duplication.

1. GOVERNMENT OPERATIONS

	Budget Unit	**2003-04**	**2004-05**
a.	**Local Government**		
Bell County			
001.	Bell County Fiscal Court - Assorted Water Projects - Capps Hill/Little Creek/Neal Hill/Stephens Branch/Mill Creek/Laurel Fork/Wolfpen		
	Bond Funds	350,000	-0-
002.	Bell County Fiscal Court - Beans Fork Water		
	Bond Funds	250,000	-0-
003.	Bell County Fiscal Court - Dorton Branch Sewer Project		
	Bond Funds	300,000	-0-
004.	Bell County Fiscal Court - Ferndale Sewer		
	Bond Funds	250,000	-0-
005.	Bell County Fiscal Court - Fire and Dry Hydrants		
	Bond Funds	88,888	-0-
006.	Bell County Fiscal Court - Polly Hollow (Left Fork) Sewer Project		
	Bond Funds	150,000	-0-
Boyd County			
001.	Boyd County Fiscal Court - Various Sewer Line Extensions		
	Bond Funds	246,888	-0-
002.	Boyd County Sanitation District No. 2 - Various Sewer Line Extensions and Upgrades		
	Bond Funds	200,000	-0-

003.	Boyd County Sanitation District No. 4 - Various Sewer Line Extensions and Rehabilitations - Countryside Drive Sewer Line Rehabilitation		
	Bond Funds	50,000	-0-
004.	Boyd County Sanitation District No. 4 - Various Sewer Line Extensions and Rehabilitations - Gillum Addition / Dorcliff Heights Sewer Line Extensions		
	Bond Funds	227,000	-0-
005.	Cannonsburg Water District - Various Water Line Extensions, Line Replacement, New Water Tank and Fire Hydrant Rehabilitation and Replacement - Industrial Parkway Line Extension		
	Bond Funds	270,000	-0-
006.	Cannonsburg Water District - Various Water Line Extensions, Line Replacement, New Water Tank and Fire Hydrant Rehabilitation and Replacement - New Water Tank Briarwood		
	Bond Funds	60,000	-0-
007.	Cannonsburg Water District - Various Water Line Extensions, Line Replacement, New Water Tank, and Fire Hydrant Rehabilitation and Replacement - Fire Hydrant Fix and Replace		
	Bond Funds	75,000	-0-
008.	Cannonsburg Water District - Various Water Line Extensions, Line Replacement, New Water Tank, and Fire Hydrant Rehabilitation and Replacement - Tarpin Ridge Line Replacement		
	Bond Funds	60,000	-0-
009.	City of Ashland Utilities - Melody Mountain Sewer Line Extensions		
	Bond Funds	200,000	-0-
Breathitt County			
001.	Breathitt County Fiscal Court - Water Line Extension Lee/Breathitt County Line to Little Cave Creek Baptist Church on Hwy 52 and Hwy 541 at Oakdale School to Kentucky Mountain Bible College		
	Bond Funds	1,388,888	-0-
Butler County			
001.	Butler County Water System Inc. - Security and Instrument Upgrade at Water Plant		
	Bond Funds	98,000	-0-
002.	Butler County Water System Inc. - Sludge Handling and Chemical Storage		
	Bond Funds	61,000	-0-
003.	Butler County Water System Inc. - Water Line Extension		
	Bond Funds	500,000	-0-
004.	Butler County Water System Inc. - Water Line Extension		
	Bond Funds	124,000	-0-
Christian County			
001.	Christian County Fiscal Court - Water Line Expansion Funds		
	Bond Funds	548,888	-0-
002.	Christian County Fiscal Court - Water Line Improvement (WX21047006)		
	Bond Funds	650,000	-0-
003.	Hopkinsville Water Environment Authority - Water Line Replacement (WX21047005)		

	Bond Funds	190,000	-0-
Clay County			
001.	City of Manchester - Water Plant Upgrade		
	Bond Funds	600,000	-0-
002.	Clay County Fiscal Court - Big Creek Project Water Bond Replacement		
	Bond Funds	600,000	-0-
003.	Clay County Fiscal Court - Urban Creek		
	Bond Funds	250,000	-0-
Daviess County			
001.	City of Whitesville - Wastewater Treatment Upgrades		
	Bond Funds	240,000	-0-
002.	East Daviess County Water Association - System Upgrade Project		
	Bond Funds	225,000	-0-
003.	Owensboro Municipal Utilities (OMU) - Replace Undersized and Aging Water Mains		
	Bond Funds	250,000	-0-
004.	Regional Water Resource Agency (RWRA) - Subdivision Sewer Extensions		
	Bond Funds	243,888	-0-
005.	Southeast Daviess County Water District - Brownwood Manor/Fields Road - Water Line Extensions		
	Bond Funds	215,000	-0-
006.	West Daviess County Water District - Ky 56/Audubon Parkway X-ing/Lee Rudy Road/Old Lyddane Bridge Road - Water Line Extensions		
	Bond Funds	215,000	-0-
Elliott County			
001.	Elliott County Fiscal Court - Rowan County Water District - Water Line Extension Carter School Road		
	Bond Funds	15,000	-0-
002.	Sandy Hook Sewer District - Various Line Extensions, Line Improvements, and Repairs - Sewer Plant Improvements and Overall Sewer System Upgrades		
	Bond Funds	479,444	-0-
003.	Sandy Hook Water District - Various Water Line Extensions, Water Plant Improvements, Wells Creek Pump Station, Scada System Upgrade and Rehabilitate Wells 1,2,3 and 4		
	Bond Funds	894,444	-0-
Floyd County			
001.	Floyd County Fiscal Court - Floyd County Water Line Branch Extension		
	Bond Funds	750,000	-0-
002.	Floyd County Fiscal Court - KY 321 Water Line Reinforcement		
	Bond Funds	550,000	-0-
003.	Floyd County Fiscal Court - Prestonsburg Water Line Extensions		
	Bond Funds	88,888	-0-
Greenup County			
001.	City of Flatwoods - Sanitary Sewer Rehabilitation Project Phase I		

	Bond Funds	100,000	-0-
002.	City of Flatwoods - Water System Upgrades and Rehabilitation Phase II		
	Bond Funds	100,000	-0-
003.	City of Greenup - Fire Hydrants on Rural Water Line		
	Bond Funds	30,000	-0-
004.	City of Greenup - Storm Sewer Improvements		
	Bond Funds	80,000	-0-
005.	City of Raceland - Sanitary Sewer Rehabilitation Project Phase III		
	Bond Funds	80,000	-0-
006.	City of Russell - Sewer		
	Bond Funds	250,000	-0-
007.	City of Russell - Sanitary Storm Sewer Rehabilitation Project		
	Bond Funds	80,000	-0-
008.	City of South Shore - Sanitary/Storm Sewer Separation Project		
	Bond Funds	80,000	-0-
009.	City of South Shore - Sewer Treatment Plant Equipment Upgrade		
	Bond Funds	45,000	-0-
010.	City of Worthington - Sanitary Sewer Rehabilitation Project		
	Bond Funds	80,000	-0-
011.	Greenup County Fiscal Court - Sewer		
	Bond Funds	500,000	-0-
012.	Greenup County Fiscal Court - Water and Sewer Lines and Ground Preparation for Amphitheater at Greenbo Lake State Resort Park		
	Bond Funds	60,000	-0-
013.	Greenup County Fiscal Court - Water Line Extension Sand Gap Church Road to Route 207		
	Bond Funds	220,888	-0-

Harlan County

001.	Harlan County Fiscal Court - City of Benham - Water Tank Repair/Replacement		
	Bond Funds	100,000	-0-
002.	Harlan County Fiscal Court - City of Cumberland - Water Extension to Blair and Cloverlick and Gilley Hollow		
	Bond Funds	200,000	-0-
003.	Harlan County Fiscal Court - City of Evarts - Water Expansion		
	Bond Funds	50,000	-0-
004.	Harlan County Fiscal Court - Totz Area Water Line Extension		
	Bond Funds	250,000	-0-
005.	Harlan County Fiscal Court - Water Line Extension - Ages/Molus/Laymon		
	Bond Funds	788,888	-0-

Henderson County

001.	Henderson County Water District - Barren Church Road Extension (WX21101018)		
	Bond Funds	75,000	-0-
002.	Henderson County Water District - Cairo Dixie Road Extension (WX21101035)		
	Bond Funds	325,000	-0-
003.	Henderson County Water District - Diamond Island Road Extension (WX1101042)		
	Bond Funds	110,000	-0-
004.	Henderson County Water District - Highway 811 Extension (WX21101034)		
	Bond Funds	278,888	-0-
005.	Henderson County Water District - Hwy. 283 O Royster Rd. & S. Royster (WX1101037)		
	Bond Funds	100,000	-0-
006.	Henderson County Water District - McDonald Landing Water Extension (WX21101032)		
	Bond Funds	175,000	-0-
007.	Henderson County Water District -Tscharner Road/Green River Rd. #1 (WX21101038)		
	Bond Funds	150,000	-0-
008.	Henderson County Water District -US 60 East Expansion (WX2101033)		
	Bond Funds	175,000	-0-
Hopkins County			
001.	City of Dawson Springs - Sewer Project		
	Bond Funds	438,888	-0-
002.	City of Hanson - Sewer Project		
	Bond Funds	570,000	-0-
003.	City of Mortons Gap - Sewer Project		
	Bond Funds	80,000	-0-
004.	City of St. Charles - Sewer Project		
	Bond Funds	300,000	-0-
Jackson County			
001.	Jackson County Fiscal Court - Sewer Lines - Congleton Hollow - Birch Lick Area. - Route 421 Northern Jackson County S-Tree Estates Sewer		
	Bond Funds	825,000	-0-
002.	Jackson County Fiscal Court - Water Lines - Kentucky 577 - Swindling Gap		
	Bond Funds	75,000	-0-
003.	Jackson County Fiscal Court - Water Lines- Lower Indian Creek - Route #89		
	Bond Funds	488,888	-0-
Johnson County			
001.	Paintsville Utility Commission - Johnson County Water Lines (WX21115002)		
	Bond Funds	388,888	-0-
002.	Paintsville Utility Commission - Paintsville Water Plant (WX21115001)		
	Bond Funds	1,000,000	-0-
Knott County			

001.	City of Hindman - Water Line Improvements		
	Bond Funds	88,888	-0-
002.	Knott County Water and Sewer District - Ball Creek Water Project		
	Bond Funds	1,300,000	-0-
Knox County			
001.	Barbourville Utility Commission - Water and Sewer Expansions		
	Bond Funds	738,888	-0-
002.	Knox County Fiscal Court - East Knox Water District		
	Bond Funds	215,000	-0-
003.	Knox County Fiscal Court - Water Line Extensions		
	Bond Funds	650,000	-0-
004.	Knox County Fiscal Court - West Knox Water Lines through Laurel Water District		
	Bond Funds	225,000	-0-
Laurel County			
001.	Laurel County Fiscal Court - Sewer Lines - Sallie Branch, Court Road, Miller Lane		
	Bond Funds	400,000	-0-
002.	Laurel County Fiscal Court - Sewer Lines - Sasser School Road - London East Sewer		
	Bond Funds	388,888	-0-
003.	Laurel County Fiscal Court - Sewer Lines - Sublimity		
	Bond Funds	600,000	-0-
Lawrence County			
001.	City of Louisa Sewer Department - Various Line Extensions, Line Replacement and Upgrades and Lift Station - Clay St. Sewer Line Replacement System		
	Bond Funds	250,000	-0-
002.	City of Louisa Sewer Department - Various Line Extensions, Line Replacement and Upgrades and Lift Station - Shillow Drive Sewer Line Extension		
	Bond Funds	100,000	-0-
003.	City of Louisa Sewer Department - Various Line Extensions, Line Replacement and Upgrades and Lift Station - Willow Drive Sewer Line Extension		
	Bond Funds	100,000	-0-
004.	City of Louisa Sewer Department - Various Line Extensions, Line Replacement, and Upgrades and Lift Station - Bob White Drive Sewer Line Extension		
	Bond Funds	100,000	-0-
005.	City of Louisa Sewer Department - Various Line Extensions, Line Replacement, and Upgrades and Lift Station - High Bottom Lift Station		
	Bond Funds	150,000	-0-
006.	City of Louisa Sewer Department - Various Line Extensions, Line Replacements, and Upgrades and Lift Station - Facility Plan Sewer Evaluation Study		
	Bond Funds	188,888	-0-
007.	Lawrence County Fiscal Court - Paintsville Water - Caines Creek Water Line Extensions		

	Bond Funds	500,000	-0-
Lee County			
001.	City of Beattyville - Water Plant Expansion		
	Bond Funds	1,000,000	-0-
Leslie County			
001.	Hyden-Leslie Water District - Plant Expansion		
	Bond Funds	900,000	-0-
002.	Hyden-Leslie Water District - Water Line Extension - Saylor Community		
	Bond Funds	250,000	-0-
003.	Hyden-Leslie Water District - Water Line Extension Contingency Fund		
	Bond Funds	238,888	-0-
Letcher County			
001.	City of Jenkins - Water and Sewer to Industrial Site		
	Bond Funds	44,444	-0-
002.	City of Whitesburg - New Wastewater Plant Project		
	Bond Funds	1,000,000	-0-
003.	Letcher County Water and Sewer District - Blackey Sanitation Sewer Project		
	Bond Funds	344,444	-0-
Magoffin County			
001.	City of Salyerville Water and Sewer Expansion Project		
	Bond Funds	788,888	-0-
002.	Magoffin County Water District - Water Lines		
	Bond Funds	600,000	-0-
Martin County			
001.	BSADD on behalf of the TUG Valley Sewer Authority - Warfield Sewer System (SZ21159501)		
	Bond Funds	1,000,000	-0-
002.	Inez Sewer System - Sewer Improvements (SX21159010)		
	Bond Funds	388,888	-0-
McCreary County			
001.	McCreary County Water District - Big Creek Water Project Phase #1		
	Bond Funds	250,000	-0-
002.	McCreary County Water District - Telemetry, Security and Water System Upgrade		
	Bond Funds	84,888	-0-
003.	McCreary County Water District - Williamsburg Street Wastewater Project		
	Bond Funds	600,000	-0-
004.	McCreary Water District - Sewer System Extension		
	Bond Funds	348,000	-0-
005.	McCreary Water District - Sewer System Extension		
	Bond Funds	256,000	-0-
006.	McCreary Water District - Sewer System Extension		
	Bond Funds	200,000	-0-
McLean County			
001.	McLean County Fiscal Court - City of Calhoun Sewer Extension		

	KY 81		
	Bond Funds	80,000	-0-
002.	McLean County Fiscal Court - City of Calhoun Water Line Construction		
	Bond Funds	175,000	-0-
003.	McLean County Fiscal Court - City of Island (Water) Pump Station		
	Bond Funds	50,000	-0-
004.	McLean County Fiscal Court - City of Island Sewer Line Extension		
	Bond Funds	110,000	-0-
005.	McLean County Fiscal Court - City of Livermore Sewer Line Construction		
	Bond Funds	205,000	-0-
006.	McLean County Fiscal Court - City of Sacramento Sewer Pumps Replacement		
	Bond Funds	170,000	-0-
007.	McLean County Fiscal Court - City of Sacramento Water Line Extension		
	Bond Funds	10,000	-0-
008.	McLean County Fiscal Court - KY 136 Sewer Debit Service/Construction		
	Bond Funds	65,000	-0-
009.	McLean County Fiscal Court - Rumsey Sewer Debt Service/Construction		
	Bond Funds	110,000	-0-
010.	McLean County Fiscal Court - Water Line Construction - Beechgrove		
	Bond Funds	205,000	-0-
011.	McLean County Fiscal Court - Water Line Construction - Troutman Hills		
	Bond Funds	20,000	-0-
012.	McLean County Fiscal Court - Water Line Construction KY 138 W		
	Bond Funds	88,888	-0-
013.	McLean County Fiscal Court - Water Tank Interconnect (KY 81/KY 136)		
	Bond Funds	100,000	-0-
Menifee County			
001.	City of Frenchburg - Water Infrastructure Project - Water Line Extensions Rothwell Hill on US 460, Indian Creek Road and Amos Ridge; Emergency Inter-connections; Water Line Extensions to Currently Unserved Areas of the County		
	Bond Funds	1,388,888	-0-
Morgan County			
001.	City of West Liberty - Wastewater Project - Belt Filter Press System to Alleviate Accumulated Solids		
	Bond Funds	388,888	-0-
002.	Morgan County Water District - Water Projects		
	Bond Funds	1,000,000	-0-
Muhlenberg County			
001.	City of Drakesboro for Drakesboro Board of Education - Sewer		

	Line to Southern Elementary		
	Bond Funds	88,888	-0-
002.	City of Greenville or City of Central City (Which ever Awarded Project) - Matching Grant for Current Water Expansions and for Water and/or Sewer for Regional Industrial Park, Graham, KY		
	Bond Funds	250,000	-0-
003.	City of Powderly - Purchase Sewer Equipment		
	Bond Funds	50,000	-0-
004.	Muhlenberg County Water District - Grant Match for Current Water Expansions and for Water and/or Sewer for Regional Industrial Park, Graham KY (Any Funds not used to Lapse to City Handling Wastewater for Paradise Industrial Park, Graham, KY		
	Bond Funds	1,000,000	-0-
Ohio County			
001.	Ohio County Water - Regional Wastewater conveyance and Treatment System		
	Bond Funds	1,388,888	-0-
Owsley County			
001.	City of Booneville - Sewer Plant Upgrade		
	Bond Funds	750,000	-0-
002.	City of Booneville - Tank Telemetry		
	Bond Funds	75,000	-0-
003.	Owsley County Fiscal Court - Water Line Extension Green Hall and Various Projects		
	Bond Funds	250,000	-0-
Perry County			
001.	Perry County Fiscal Court - Ary Water Project - Phase II to County Line		
	Bond Funds	450,000	-0-
002.	Perry County Fiscal Court - South Perry Water Project Phase II		
	Bond Funds	838,888	-0-
003.	Perry County Fiscal Court - Squabble Creek / Middle Fork Water Project		
	Bond Funds	100,000	-0-
Pike County			
001.	Mountain Water District - Forest Hills Sewer Projects		
	Bond Funds	317,000	-0-
002.	Mountain Water District - Pond/Belfry Sewer Project		
	Bond Funds	871,888	-0-
003.	Mountain Water District - Barrenshee Sewer Project		
	Bond Funds	200,000	-0-
Union County			
001.	City of Morganfield - Water Line Extensions		
	Bond Funds	388,888	-0-
002.	Union County Fiscal Court - Sewer Line		
	Bond Funds	1,000,000	-0-
Webster County			
001.	City of Clay - Sewer and Water Upgrades		
	Bond Funds	200,000	-0-

002.	City of Dixon - Sewer Expansion to Pioneer Plastics		
	Bond Funds	250,000	-0-
003.	City of Providence - Baptist Hill Sewer Expansion		
	Bond Funds	388,888	-0-
004.	City of Providence - Water and Sewer Upgrades		
	Bond Funds	200,000	-0-
005.	Webster County Water District - City of Sebree Connect		
	Bond Funds	200,000	-0-
006.	Webster County Water District - Water Line Expansion		
	Bond Funds	150,000	-0-
Whitley County			
001.	City of Williamsburg - Water Plant Upgrade		
	Bond Funds	2,400,000	-0-
002.	Corbin Utilities Commission - Line Extension along Unserved Portion of Bacon Creek Rd. by the Corbin Utilities Commission		
	Bond Funds	100,000	-0-
003.	Whitley County Fiscal Court - Line Extension along Lower Laurel Fork Rd. in Frakes, Ky. by Laurel Fork Water Corporation		
	Bond Funds	250,000	-0-
004.	Whitley County Fiscal Court - Line Extension by Knox Utilities Commission to Unserved Pockets within Whitley County		
	Bond Funds	100,000	-0-
005.	Whitley County Water District - Establish 8" Interconnection along Hwy 26 and Tyes Ferry Road to Hwy 779		
	Bond Funds	559,888	-0-
006.	Whitley County Water District - Line Extension along Bear Hollow Rd.		
	Bond Funds	36,000	-0-
007.	Whitley County Water District - Line Extension along Hackler Cemetery		
	Bond Funds	31,000	-0-
008.	Whitley County Water District - Line Extension along Keswick Rd. to Foot of King Gap		
	Bond Funds	169,000	-0-
009.	Whitley County Water District - Line Extension along New Zion Church Rd. to Serve Walters Cemetery Rd.		
	Bond Funds	50,000	-0-
010.	Whitley County Water District - Line Extension along Old Mt. Ash Pike		
	Bond Funds	93,000	-0-
Wolfe County			
001.	City of Campton - Various Water Line Extensions in Hazel Green Area for Unserved Areas		
	Bond Funds	300,000	-0-
002.	City of Campton - Various Water Line Extensions in Lee City to Unserved Areas		
	Bond Funds	300,000	-0-

N. INFRASTRUCTURE FOR ECONOMIC DEVELOPMENT FUND FOR TOBACCO COUNTIES

(1) **Bond Authority:** Bond Funds in the amount of $98,530,100 are authorized for projects within the Infrastructure

for Economic Development Fund for Tobacco Counties. The Bond Pool authorization identified in Part II, A. General Government, 2. Kentucky Infrastructure Authority, Item 004., of this Act, and the Projects list as identified in this section shall be placed under the jurisdiction of the Kentucky Infrastructure Authority (KIA). There is $5,000,000 in fiscal year 2005-2006 appropriated from the General Fund (Tobacco) and $4,394,000 in fiscal year 2005-2006 from the General Fund for debt service. From the effective date of this Act, interest earnings and/or investment income earned on bond proceeds shall be retained by the Infrastructure for Economic Development Fund for Tobacco Counties. Any interest earnings and/or investment income shall be made available for approved projects. The Executive Director of KIA, the Secretary of the Finance and Administration Cabinet, and Bond Counsel shall determine the most permissive cost-advantageous method for issuing the bonds including using an existing bond indenture, creating a new bond indenture, and utilizing the State Property and Buildings Commission or the Kentucky Asset/Liability Commission for the issuance of the bonds.

(1) GOVERNMENT OPERATIONS

a. **Budget Unit Kentucky Infrastructure Authority**	**004-05**	**2005-06**
Adair County		
001. Adair County Water District - Water and Sewer Line Projects		
Bond Funds	400,000	-0-
002. City of Columbia - Water Treatment Plant		
Bond Funds	1,000,000	-0-
Allen County		
001. Allen County Fiscal Court - Water and Sewer Line Extension to Industrial Park and Various Water and Sewer Line Improvements		
Bond Funds	625,000	-0-
002. City of Scottsville - 980 Project Extension Sewer and Water to New Highway #231		
Bond Funds	250,000	-0-
Anderson County		
001. South Anderson Water District - Phase 7 Water Line Extensions		
Bond Funds	500,000	-0-
Ballard County		
001. Bandana Water District - Water Line Improvements		
Bond Funds	25,000	-0-
002. City of Barlow - Remove and Replace Various Old Water Lines and Replace Old Sewage Pump Station		
Bond Funds	100,000	-0-
003. City of Kevil - Paint and Repair Two Water Towers and Construct 1.5 Miles PVC		
Bond Funds	50,000	-0-
004. City of Kevil - Repair Old Sewer Lines to Stop Infiltration		
Bond Funds	50,000	-0-
005. City of Kevil - Water Line Extension and Storage Tank		
Bond Funds	450,000	-0-
006. City of LaCenter - Paint and Repair Water Tower and Construct Extension to Ballard County School Complex		
Bond Funds	100,000	-0-
007. City of LaCenter - Water Line Extension and Water Tank		
Bond Funds	135,000	-0-
008. City of Wickliffe - Water Main Upgrade		
Bond Funds	75,000	-0-
009. City of Wickliffe - Move Sewer Lift Station from Flood Prone Area		

	Bond Funds	100,000	-0-
010.	City of Wickliffe - Water Tank Rehabilitation		
	Bond Funds	75,000	-0-
011.	Lovelaceville Water District - Water Line Improvements		
	Bond Funds	25,000	-0-
Barren County			
001.	Barren County Fiscal Court - Glasgow Water Transmission Lines and Booster Pump to Transfer Water from South of Glasgow to Water Tank on Highway 90		
	Bond Funds	400,000	-0-
002.	Caveland Environmental at Park City - Utility Infrastructure		
	Bond Funds	650,000	-0-
003.	Glasgow Water and Sewer District - Line Extensions		
	Bond Funds	500,000	-0-
Bath County			
001.	Bath County Fiscal Court - Sewer Line Extension 3 Miles of Collection Lines		
	Bond Funds	400,000	-0-
002.	City of Sharpsburg - One Mile of Collection Line, Upgrade of Existing Plant		
	Bond Funds	400,000	-0-
Boone County			
001.	Boone County Fiscal Court - Cleek Road Water Line Extension		
	Bond Funds	50,000	-0-
002.	Boone County Fiscal Court - Conner Road Water Line Extensions		
	Bond Funds	50,000	-0-
003.	Boone County Fiscal Court - Frogtown Road Water Line Extensions		
	Bond Funds	150,000	-0-
004.	Boone County Fiscal Court - Richwood Road Exit 12 inch main		
	Bond Funds	300,000	-0-
005.	Boone County Fiscal Court - Route 8 Extension		
	Bond Funds	500,000	-0-
006.	Boone County Fiscal Court - Rural Water Project - Phase II		
	Bond Funds	1,000,000	-0-
007.	Bullock Pen Water District - Phase 7 and 10		
	Bond Funds	250,000	-0-
Bourbon County			
001.	Bourbon County Fiscal Court - Centerville Sewer Project		
	Bond Funds	400,000	-0-
Boyle County			
001.	Boyle Fiscal Court - Perryville Line Replacement		
	Bond Funds	35,000	-0-
002.	City of Danville - Force Main and Pumping Station		
	Bond Funds	800,000	-0-
003.	City of Danville - Plant Upgrade		
	Bond Funds	300,000	-0-

004.	City of Junction City - Junction City Water and Sewer Projects		
	Bond Funds	400,000	-0-
Bracken County			
001.	Bracken County Water District - 875/10 Eastern Area (WX1023003)		
	Bond Funds	265,000	-0-
002.	Bracken Fiscal Court - Augusta - Rt. 8 Project		
	Bond Funds	80,000	-0-
003.	Bracken Fiscal Court - Augusta I & I & SSES Studies (SX21023004)		
	Bond Funds	150,000	-0-
004.	Bracken Fiscal Court - Brooksville I & I & SSES Studies (SX21023003)		
	Bond Funds	100,000	-0-
Breckinridge County			
001.	Breckinridge County Fiscal Court - Hardinsburg Water System		
	Bond Funds	200,000	-0-
002.	City of Hardinsburg - Facility Plan		
	Bond Funds	75,000	-0-
003.	Ohio County Water District - Extend Water Lines into Breckinridge County		
	Bond Funds	175,000	-0-
Bullitt County			
001.	Bullitt County Fiscal Court - Fox Chase Water and Sewer Projects		
	Bond Funds	50,000	-0-
002.	Bullitt County Fiscal Court - Hebron Estates Water and Sewer Projects		
	Bond Funds	50,000	-0-
003.	Bullitt County Fiscal Court - Hillview Water and Sewer Projects		
	Bond Funds	75,000	-0-
004.	Bullitt County Fiscal Court - Lebanon Junction Sewer Expansion		
	Bond Funds	100,000	-0-
005.	Bullitt County Fiscal Court - Mt. Washington Water and Sewer Projects		
	Bond Funds	75,000	-0-
006.	Bullitt County Fiscal Court - Pioneer Village Water and Sewer Projects		
	Bond Funds	50,000	-0-
007.	Bullitt County Fiscal Court - Shepherdsville Water and Sewer Projects		
	Bond Funds	75,000	-0-
008.	Bullitt County Fiscal Court - Water Line Extensions		
	Bond Funds	280,000	-0-
009.	Bullitt County Fiscal Court - Water Line Extensions		
	Bond Funds	17,500	-0-
010.	Bullitt County Fiscal Court - Water Line Extensions		

	Bond Funds	146,000	-0-
011.	Bullitt County Fiscal Court - Water Line Extensions		
	Bond Funds	112,000	-0-
012.	Bullitt County Fiscal Court - Water Lines Hill Top Road from Hwy 44 to End (WX021029076)		
	Bond Funds	399,000	-0-
Caldwell County			
001.	Caldwell County Water District - Water Tank (WX21033004)		
	Bond Funds	300,000	-0-
002.	Princeton-Fontain/Meadow Lane Sewer Line (SX2103301)		
	Bond Funds	400,000	-0-
Calloway County			
001.	Dexter-Almo Water District - Water Line Extensions (WX21035012)		
	Bond Funds	185,000	-0-
002.	Murray Water & Sewer District - Water Line Extensions (WX21035007)		
	Bond Funds	280,000	-0-
003.	Murray Water And Sewer - KY 80 and Branwood Park Sewer Expansion to Unserved Areas (SX21035009)		
	Bond Funds	140,000	-0-
004.	Murray Water and Sewer - Sewer Line Extension (SX21035010)		
	Bond Funds	525,000	-0-
005.	Murray Water and Sewer - Waterline Improvement 12" Line Installation (WX21035013)		
	Bond Funds	270,000	-0-
006.	Murray Water District 2 - Hwy 1215/Paris Rd./Tobacco Rd. Water Line Extension (WX21035004)		
	Bond Funds	300,000	-0-
Campbell County			
001.	Northern Kentucky Water District - Water Line Extension (WX21037552)		
	Bond Funds	688,000	-0-
Carlisle County			
001.	City of Arlington - Replace and/or Repair Leaking Sewer Mains		
	Bond Funds	190,000	-0-
002.	City of Bardwell - Replace and/or Repair Leaking Sewer Mains		
	Bond Funds	190,000	-0-
003.	Cunningham Water District - Paint Tower and Run Extension to New Subdivision		
	Bond Funds	20,000	-0-
004.	Milburn Water District - Paint Tower and Install New Meters		
	Bond Funds	30,000	-0-
Carroll County			
001.	Carrollton Utilities - Carroll County Regional Sewer Sanitary Sewer Improvements - Happy Hollow Resort/Old 227 Mobile Home Park/Park Acres/Woodlawn Subdivision/ Dan Hawkins Extension/		

	Easterday/ Boone Rd. Ext.		
	Bond Funds	500,000	-0-
002.	City of Carrolton - Sewer Collection		
	Bond Funds	500,000	-0-
Carter County			
001.	City of Grayson - Route 1 Project (SX21043002)		
	Bond Funds	150,000	-0-
002.	City of Olive Hill - Cemetery Road Project (SX21043020)		
	Bond Funds	175,000	-0-
003.	City of Olive Hill - Olive Hill College Hill Project (SX21043012)		
	Bond Funds	175,000	-0-
004.	Grayson Utility Commission - New Water Intake at WTP (WX21043003)		
	Bond Funds	900,000	-0-
005.	Rattlesnake Ridge Water District - RRWD Phase VIII (WX21043020)		
	Bond Funds	200,000	-0-
Casey County			
001.	Casey County Fiscal Court - East Casey Water - Water Project		
	Bond Funds	150,000	-0-
002.	Casey County Fiscal Court - Liberty Sewer Project		
	Bond Funds	50,000	-0-
003.	Casey County Sewer - Loretto Water Project		
	Bond Funds	150,000	-0-
004.	City of Liberty - Water and Sewer Expansion		
	Bond Funds	1,350,000	-0-
005.	City of Liberty - Water Line/Sewer Line Extensions for Industrial Development		
	Bond Funds	500,000	-0-
Clark County			
001.	Clark County Fiscal Court - I-64 Interstate Bore Hoods Creek (SX21049017)		
	Bond Funds	325,000	-0-
002.	Clark County Fiscal Court - Lower Howards Creek Backbone Interceptor/Pump Station (SX21049004)		
	Bond Funds	500,000	-0-
003.	Clark County Fiscal Court - Winchester Municipal Utilities - South Main Wastewater (SX21049016)		
	Bond Funds	325,000	-0-
004.	Clark County Fiscal Court - Winchester Municipal Utilities - US 60/ EKP Sanitary Sewer (SX21049012)		
	Bond Funds	100,000	-0-
Clinton County			
001.	City of Albany - Sewer Plant Upgrade		
	Bond Funds	662,000	-0-
002.	City of Albany - Water Line Extensions		
	Bond Funds	180,000	-0-
003.	Clinton County Fiscal Court - Albany Water Treatment Plant Sludge Conditioning System		

	Bond Funds	150,000	-0-
004.	Clinton County Fiscal Court - Fire Hydrants		
	Bond Funds	60,000	-0-
Crittenden County			
001.	City of Marion - Wastewater Improvements (SX21055001)		
	Bond Funds	250,000	-0-
002.	Crittenden/Livingston County Water District - Source Water Intakes (WX21139002)		
	Bond Funds	500,000	-0-
Cumberland County			
001.	Cumberland County Water District - Line Extensions		
	Bond Funds	700,000	-0-
002.	Cumberland County Water District - Storage Tank		
	Bond Funds	477,000	-0-
Edmonson County			
001.	Edmonson County Water District - Telemetry and Pump Controls		
	Bond Funds	40,000	-0-
002.	Edmonson County Water District - Water / Sewer Infrastructure Project		
	Bond Funds	480,000	-0-
003.	Edmonson County Water District - Water Line Extension (WX21061001)		
	Bond Funds	240,000	-0-
004.	Edmonson County Water District - Water Line Extension into Hart County		
	Bond Funds	210,000	-0-
005.	Edmonson County Water District - Water Line Extensions (WX21061019)		
	Bond Funds	380,000	-0-
Estill County			
001.	Estill County Fiscal Court - Various Water and Sewer Projects		
	Bond Funds	750,000	-0-
Fayette County			
001.	Lexington-Fayette Urban County Government - LFUCG-Division Sanitary Sewers (SX210670003)		
	Bond Funds	1,000,000	-0-
002.	Lexington-Fayette Urban County Government - Provide Enhanced Nutrient Removal for Blue Sky WWTP (SX21067007)		
	Bond Funds	600,000	-0-
003.	Lexington-Fayette Urban County Government - Providing Service to Remaining Unsewered Areas (SX2167001)		
	Bond Funds	1,000,000	-0-
Fleming County			
001.	City of Ewing - Ewing Sewer (SX21069004)		
	Bond Funds	250,000	-0-
002.	City of Flemingsburg - Cherry Grove Road Sewer Project (SX21069001)		
	Bond Funds	165,000	-0-
003.	City of Flemingsburg - Pump Station Upgrade (SX21069002)		

	Bond Funds	100,000	-0-
004.	Fleming County Water District - Water System Improvements (WX21069007)		
	Bond Funds	50,000	-0-
005.	Greater Fleming County Regional Water Commission - 2005 Water Line Extensions (WX21069009)		
	Bond Funds	50,000	-0-
Franklin County			
001.	City of Frankfort - Holmes Street Sewers - Sewer Expansion (SX21073002)		
	Bond Funds	695,000	-0-
002.	Franklin County Fiscal Court - North Shelby Water District - Frankfort Plant Board - Bain Moore Hill Water Project		
	Bond Funds	225,000	-0-
003.	Franklin County Fiscal Court - Peaks Mill Water District - Knights Bridge Area Water Project (WX21073003)		
	Bond Funds	330,000	-0-
Fulton County			
001.	City of Fulton - Water Line Extension to New Growth Area		
	Bond Funds	250,000	-0-
002.	City of Hickman - Replace Water Lines, Replace Aging Fire Plug, Replacements to Both Water Treatment Plant and Wastewater Plant		
	Bond Funds	100,000	-0-
Gallatin County			
001.	Gallatin County Fiscal Court - Sewer Line Expansion Within County		
	Bond Funds	400,000	-0-
Garrard County			
001.	City of Lancaster - Inter-Connection Improvements for Water		
	Bond Funds	100,000	-0-
002.	City of Lancaster - Lancaster Waste Water Treatment Plant Systems Upgrade		
	Bond Funds	50,000	-0-
003.	City of Lancaster - Sewer Line Extension		
	Bond Funds	50,000	-0-
004.	City of Lancaster - Sewer Line Extensions - Buckeye Street		
	Bond Funds	90,000	-0-
005.	Garrard County Fiscal Court - Lancaster Water and Sewer Projects		
	Bond Funds	250,000	-0-
006.	Garrard County Water Association - Water Line Extension		
	Bond Funds	75,000	-0-
007.	Garrard County Water Association - Water Line Projects		
	Bond Funds	50,000	-0-
008.	Garrard Fiscal Court - Recreation Park Water Lines		
	Bond Funds	25,000	-0-
Grant County			
001.	Bullitt Penn Water District - Water Line Extension		

	Bond Funds	750,000	-0-
002.	Grant County Fiscal Court - Water and Sewer Projects		
	Bond Funds	600,000	-0-
003.	Grant County Sanitation District - Sewer Line Extension		
	Bond Funds	900,000	-0-
Graves County			
001.	City of Mayfield Electric and Water System - Radio Controlled Telemetry/Mapping Project		
	Bond Funds	100,000	-0-
002.	Consumers Water District - Cuba Water Transmission Project		
	Bond Funds	280,000	-0-
003.	Fancy Farm Water and Sewer District - Mayfield/Fancy Farm Water Interconnect and KY 80 Extension		
	Bond Funds	495,000	-0-
004.	Fancy Farm Water and Sewer District - Wastewater Treatment Plant Upgrade		
	Bond Funds	255,000	-0-
005.	Fancy Farm Water Sewer District KY 339 and Carrico Rd. Sanitary Sewer Extension		
	Bond Funds	320,000	-0-
006.	Hardimon Water District - Water Tank Repairs		
	Bond Funds	100,000	-0-
007.	Symsonia Water and Sewer District - Water Line Extensions		
	Bond Funds	150,000	-0-
Grayson County			
001.	City of Caneyville - Water Line Extension		
	Bond Funds	125,000	-0-
002.	City of Leitchfield - Waste Water Improvements		
	Bond Funds	100,000	-0-
003.	Grayson County Fiscal Court - Caneyville Sewer Plant Upgrade		
	Bond Funds	100,000	-0-
004.	Grayson County Fiscal Court - Leitchfield Sewer Facility Upgrade		
	Bond Funds	150,000	-0-
005.	Grayson County Fiscal Court - Storage Tank Near Rough River State Park		
	Bond Funds	150,000	-0-
006.	Grayson County Fiscal Court - Water Tanks		
	Bond Funds	250,000	-0-
007.	Leitchfield Sewer Utility - Sewer Plant Upgrade		
	Bond Funds	1,500,000	-0-
Green County			
001.	City of Greensburg - Sewer Lines		
	Bond Funds	221,000	-0-
002.	Green County Fiscal Court - Greensburg Water Renovations Project		
	Bond Funds	75,000	-0-
003.	Green County Fiscal Court - Summersville Sewer Project		

	Bond Funds	75,000	-0-
004.	Green County Fiscal Court - Summerville Water Project		
	Bond Funds	500,000	-0-
005.	Green County Fiscal Court - Water Line Extensions		
	Bond Funds	200,000	-0-
006.	Green Taylor Water District - Water Line Extensions		
	Bond Funds	373,000	-0-
Hancock County			
001.	City of Lewisport - Water Line Extensions		
	Bond Funds	100,000	-0-
002.	Hancock County Fiscal Court - Water Line Expansion		
	Bond Funds	100,000	-0-
Hardin County			
001.	City of Radcliff - Replacement of Two EQ Basin Liners		
	Bond Funds	450,000	-0-
002.	City of Radcliff - Upgrade Boone Trace Lift Station to Relieve Overload		
	Bond Funds	450,000	-0-
003.	City of Vine Grove - Sewer		
	Bond Funds	800,000	-0-
004.	City of Vine Grove - Sewer and Water Line Expansion Hwy 313		
	Bond Funds	850,000	-0-
005.	City of West Point - Sanitary Sewer System Expansion Project		
	Bond Funds	122,000	-0-
006.	City of West Point - Water Line Extension		
	Bond Funds	200,000	-0-
007.	Hardin County Fiscal Court - Phase 4 2020 Plan		
	Bond Funds	1,000,000	-0-
008.	Hardin County Fiscal Court - Quality Assurance Maintenance Project - Upgrades and Required Maintenance on Existing Infrastructures		
	Bond Funds	250,000	-0-
009.	Hardin County Water District #1 - Storage Tank and Water Line Extension		
	Bond Funds	2,000,000	-0-
Harrison County			
001.	City of Cynthiana - Waste Water Plant (SX21097001)		
	Bond Funds	650,000	-0-
002.	Harrison County Water Association - Telemetry Upgrade (WX21097003)		
	Bond Funds	35,000	-0-
Hart County			
001.	Green River Valley Water District - Water Lines Hart County - Hatcher Valley Road		
	Bond Funds	200,000	-0-
002.	Green River Water District - Storage Tank		
	Bond Funds	200,000	-0-
003.	Hart Fiscal Court - Industrial Park Infrastructure/Mazetti Project		

	Bond Funds	500,000	-0-
Henry County			
001.	City of Campbellsburg Water Works - Carrollton Regional Force Main (SX21103002)		
	Bond Funds	750,000	-0-
002.	City of Eminence - Eminence Sewer Project		
	Bond Funds	150,000	-0-
003.	City of Eminence - North Main Street Pumping Station (SX21103003)		
	Bond Funds	90,000	-0-
Hickman County			
001.	City of Clinton - Engineering Plans and Construction Funds to Revamp Sewer System		
	Bond Funds	250,000	-0-
002.	City of Columbus - Paint Tower, Extensions, and Purchase New Water Meters		
	Bond Funds	20,000	-0-
Jessamine County			
001.	City of Nicholasville - McGee Lane Water Main Line Extension (WX21113009)		
	Bond Funds	180,000	-0-
002.	City of Nicholasville - Systems Acquisition		
	Bond Funds	300,000	-0-
003.	City of Wilmore - Water Connection		
	Bond Funds	100,000	-0-
004.	Jessamine County Water District #1 - Water System Improvements (WX1113010)		
	Bond Funds	720,000	-0-
005.	Jessamine South Elkhorn Water District - Southeast Rural Jessamine Unserved Areas (WX21113004)		
	Bond Funds	400,000	-0-
Kenton County			
001.	Northern Kentucky Water District - Water Line Extension		
	Bond Funds	500,000	-0-
Larue County			
001.	City of Hodgenville - Water Line Extension		
	Bond Funds	114,000	-0-
002.	Larue County Water District #1 - Water Line Extensions (WX21123001)		
	Bond Funds	500,000	-0-
Laurel County			
001.	Woods Creek Water District - Water Plant Expansion		
	Bond Funds	2,000,000	-0-
Lewis County			
001.	Garrison-Quincy Water District - Water Tank and Line Extension (WX21135006)		
	Bond Funds	200,000	-0-
002.	Lewis County Fiscal Court - Establish Collection System to Serve 0-2 Year Planning Area (SX21135001)		
	Bond Funds	50,000	-0-

003.	Lewis County Sanitation District #1 - Industrial Park Development (SX21135004)		
	Bond Funds	130,000	-0-
004.	Lewis County Sanitation District - Line Extension, Grinder Pumps, Lift Station		
	Bond Funds	300,000	-0-
005.	Vanceburg Electric Plant Board - Extensions, Tank Repair and Well (WX21135005)		
	Bond Funds	170,000	-0-
006.	Western Lewis Rectorville Water District - Phase IV - Chaulk Ridge Project		
	Bond Funds	200,000	-0-
Lincoln County			
001.	Lincoln County Fiscal Court - Crab Orchard Water Line Repair and Expansions		
	Bond Funds	65,000	-0-
002.	Lincoln County Fiscal Court - Houstonville Water Line Repair and Expansion		
	Bond Funds	65,000	-0-
003.	Lincoln County Fiscal Court - Stanford - Chancellor Road Water Line Expansion		
	Bond Funds	70,000	-0-
004.	Standford Water Commission - Sewer Line Extension		
	Bond Funds	500,000	-0-
Livingston County			
001.	City of Grand Rivers - Sewer System Improvements (SX21139001)		
	Bond Funds	200,000	-0-
002.	Ledbetter Sewer District - Sewer Improvements		
	Bond Funds	50,000	-0-
Logan County			
001.	Logan County Fiscal Court - Elkton and Guthrie Sewers		
	Bond Funds	200,000	-0-
002.	Logan County Fiscal Court - Russellville and Alburn CIMA		
	Bond Funds	200,000	-0-
Lyon County			
001.	Lyon County Fiscal Court - Kuttawa Collection System Expansion		
	Bond Funds	375,000	-0-
Madison County			
001.	City of Berea - Berea Sewer Project		
	Bond Funds	50,000	-0-
002.	Madison County Fiscal Court - Madison County Utilities - Clarksville - Terrill Sewer Project		
	Bond Funds	750,000	-0-
003.	Madison County Utility District - Water Line Improvement		
	Bond Funds	50,000	-0-
004.	Northern Madison County Sanitation District - I-75 Area (SX21151001)		
	Bond Funds	1,000,000	-0-
005.	Southern Madison Water District - Water and Sewer Projects		

	Bond Funds	500,000	-0-
Marion County			
001.	City of Loretto - Sewer Treatment Plant		
	Bond Funds	250,000	-0-
002.	Marion County Fiscal Court - Brandfordsville Sewer		
	Bond Funds	100,000	-0-
003.	Marion County Fiscal Court - Line Extensions		
	Bond Funds	205,000	-0-
004.	Marion County Sewer - Brandfordsville - Water Project		
	Bond Funds	50,000	-0-
005.	Marion County Water District - Line Extensions		
	Bond Funds	250,000	-0-
006.	Marion County Water District - Line Extensions		
	Bond Funds	45,000	-0-
007.	Marion County Water District - Line Extensions		
	Bond Funds	51,000	-0-
008.	Marion County Water District - Line Extensions		
	Bond Funds	46,750	-0-
009.	Marion County Water District - Line Extensions		
	Bond Funds	57,250	-0-
010.	Marion County Water District - Line Extensions		
	Bond Funds	73,000	-0-
011.	Marion County Water District - Line Extensions		
	Bond Funds	46,000	-0-
Marshall County			
001.	Marshall County Fiscal Court - Jonathan Creek - Hwy 962/Palestine Rd. Hwy 80 Line Extensions and Various Water Line Extensions		
	Bond Funds	1,125,000	-0-
002.	Marshall County Fiscal Court - Sewer Project		
	Bond Funds	650,000	-0-
003.	Marshall County Fiscal Court - Water Tank Rehabilitation		
	Bond Funds	125,000	-0-
Mason County			
001.	City of Germantown - Germantown Sewers Upgrade (SX21161001)		
	Bond Funds	150,000	-0-
002.	Mason Fiscal Court - Mays Lick 201 (SX21161003)		
	Bond Funds	60,000	-0-
003.	Maysville Utility - Reservoir Rehabilitation		
	Bond Funds	75,000	-0-
004.	Maysville Utility - Stone Lick Line Extension		
	Bond Funds	150,000	-0-
005.	Western Lewis Rectorville - Phase IV Chaulk Ridge Project (WX21161001)		
	Bond Funds	623,000	-0-
006.	Western Mason Water District - Water System Improvements (WS21161010)		
	Bond Funds	170,000	-0-

McCracken County

001.	Paducah McCracken Joint Sewer District - Hansen Road and North Friendship Road Relocation		
	Bond Funds	750,000	-0-
002.	Paducah McCracken Joint Sewer District - Pump Station Upgrades		
	Bond Funds	1,000,000	-0-
003.	Paducah McCracken Joint Sewer District - Sewer Line Extension, Lift Station, Force Main		
	Bond Funds	350,000	-0-
004.	West McCracken Water District - Construction of 3.5 Miles of 6" PVC Water Main to Serve 75 Homes and Two Businesses		
	Bond Funds	200,000	-0-

McCreary County

001.	McCreary Water District - Sewer System Extension		
	Bond Funds	300,000	-0-

Meade County

001.	City of Brandenburg - Sewer Project - Up-grade of Middle School Lift Station		
	Bond Funds	350,000	-0-
002.	City of Muldraugh - Sewer Project - Sewer Line/Pump Station Rehabilitation		
	Bond Funds	93,903	-0-
003.	Meade County Water District - KY 1816 Grid - Tie WM Extension		
	Bond Funds	118,597	-0-
004.	Meade County Water District - Phase VI Project Molly Brown Road/KY 79 WM Extension		
	Bond Funds	516,500	-0-

Mercer County

001.	City of Harrodsburg - Water Plant Upgrade		
	Bond Funds	500,000	-0-
002.	Lake Village Water Association - Contract 13 Upgrades (WX2167009)		
	Bond Funds	500,000	-0-
003.	Mercer Co. Fiscal Court - Wastewater Planning for County (SX21167006)		
	Bond Funds	50,000	-0-
004.	North Mercer Water District - 2004 Extensions (WX21167007)		
	Bond Funds	400,000	-0-

Metcalfe County

001.	Edmonton Industrial Authority - Electrical Transmission Lines		
	Bond Funds	800,000	-0-
002.	Metcalfe County Fiscal Court - Edmonton City Park Water and Sewer Project		
	Bond Funds	75,000	-0-
003.	Metcalfe County Fiscal Court - Water Line Extensions		
	Bond Funds	200,000	-0-
004.	Metcalfe County Fiscal Court - Water Line Extensions		

	Bond Funds	75,000	-0-
Monroe County			
001.	City of Tompkinsville - Sewer Line Rehabilitation		
	Bond Funds	200,000	-0-
002.	City of Tompkinsville - Treatment Plant Upgrade		
	Bond Funds	250,000	-0-
003.	Monroe County Fiscal Court - Fountain Run Water and Sewer Projects		
	Bond Funds	50,000	-0-
004.	Monroe County Water District - Pump Station		
	Bond Funds	56,000	-0-
005.	Monroe County Water District - Sewer Upgrade		
	Bond Funds	20,000	-0-
006.	Monroe County Water District - Tank Repairs		
	Bond Funds	24,000	-0-
007.	Monroe County Water District - Water Line Extension and Pump Booster		
	Bond Funds	120,000	-0-
008.	Monroe County Water District - Water Projects		
	Bond Funds	100,000	-0-
009.	Monroe Water District - Fountain Run Line Extensions		
	Bond Funds	55,000	-0-
Montgomery County			
001.	Judy Water Association - Installation of Flush Hydrants (WX21173035)		
	Bond Funds	100,000	-0-
002.	Judy Water Association - Meter Change Out Program (WX21173034)		
	Bond Funds	50,000	-0-
003.	Levee Water District - New Water Tank (WX21173014)		
	Bond Funds	187,500	-0-
004.	Reid Village Water District - 100,000 Gallon Tank (WX21173039)		
	Bond Funds	187,500	-0-
Nelson County			
001.	City of Bloomfield - Sewer Treatment		
	Bond Funds	1,200,000	-0-
002.	Nelson County Fiscal Court - City of Bardstown - 250,000 Gallon Water Tank Woodlawn Road Area		
	Bond Funds	1,200,000	-0-
Nicholas County			
001.	City of Carlisle Wastewater Treatment Plant - Wastewater System Improvements (SX21181001)		
	Bond Funds	300,000	-0-
Oldham County			
001.	Oldham County Fiscal Court - Water Line Extensions to Badgett Property Industrial Park (WX021185041)		
	Bond Funds	400,000	-0-
002.	Oldham County Sanitation District - Buckner Sewer System Upgrade		

	Bond Funds	600,000	-0-
003.	Oldham County Water District		
	Bond Funds	100,000	-0-
004.	Oldham Water District - Water Extension		
	Bond Funds	450,000	-0-
Owen County			
001.	City of Owenton - Water Line Extension		
	Bond Funds	300,000	-0-
002.	Owen County Fiscal Court - Water Project to Extend Water Lines in Owen County		
	Bond Funds	750,000	-0-
003.	Peaks Mill Water District - Water Line Extension		
	Bond Funds	893,000	-0-
Pendleton County			
001.	City of Butler - Phase I Sewer System Rehabilitation (SX21191310)		
	Bond Funds	429,920	-0-
002.	City of Butler - Phase II Sewer System Rehabilitation East Side Park and Northern Elementary		
	Bond Funds	700,000	-0-
Powell County			
001.	City of Clay City - Inflow/Infiltration Project		
	Bond Funds	212,500	-0-
002.	City of Stanton - Wastewater Treatment Plant Expansion		
	Bond Funds	212,500	-0-
Pulaski County			
001.	Burnside Municipal Water Works - Water Line Extensions		
	Bond Funds	100,000	-0-
002.	City of Somerset - Regional Sewer Plant		
	Bond Funds	250,000	-0-
003.	City of Somerset - Water Line Extensions		
	Bond Funds	50,000	-0-
004.	Eubank Water District - Water Line Extensions		
	Bond Funds	50,000	-0-
005.	Pulaski County Fiscal Court - Eubank Water Project		
	Bond Funds	25,000	-0-
006.	Pulaski County Fiscal Court - Science Hill Water and Sewer Project		
	Bond Funds	50,000	-0-
007.	Pulaski County Fiscal Court - Somerset Sewer Expansion		
	Bond Funds	100,000	-0-
008.	Southeast Water Association - Water Line Extension		
	Bond Funds	100,000	-0-
009.	Southeast Water Association -Water Line Extension		
	Bond Funds	250,000	-0-
010.	Southeastern Water Association - Water Line Expansions		
	Bond Funds	250,000	-0-
Robertson County			
001.	City of Mt. Olivet - Brierly Ridge Road Water Line (WX21201003)		

	Bond Funds	84,200	-0-
002.	City of Mt. Olivet - Crescent Hill, Bentley Court, US 62 Water Line Replacement (WX21201006)		
	Bond Funds	50,500	-0-
003.	City of Mt. Olivet - Reed Lane Water Line (WX21201007)		
	Bond Funds	45,000	-0-
Rockcastle County			
001.	Rockcastle County Fiscal Court - Livingston Water Line Repair and Expansion		
	Bond Funds	350,000	-0-
002.	Rockcastle County Fiscal Court - Mt. Vernon Water Line Repair and Expansion		
	Bond Funds	350,000	-0-
Rowan County			
001.	Morehead Utility Plant Board - Hilda/Hilltop Estates Sewer Project (SX21205017)		
	Bond Funds	250,000	-0-
Russell County			
001.	City of Jamestown - Water Plant Expansion		
	Bond Funds	500,000	-0-
002.	Russell County Fiscal Court - Jamestown Water Plant Expansion		
	Bond Funds	150,000	-0-
Scott County			
001.	City of Georgetown - Sewer Service For Etterwood Subdivision		
	Bond Funds	1,000,000	-0-
002.	Scott County Fiscal Court - Scott County Reservoir Project		
	Bond Funds	600,000	-0-
Shelby County			
001.	North Shelby Water District - Water Line Extensions		
	Bond Funds	300,000	-0-
002.	Shelby County Fiscal Court - Shelbyville Wastewater Treatment Plant Expansion		
	Bond Funds	100,000	-0-
003.	Shelby County Fiscal Court - Simpsonville Wastewater Treatment Plant Expansion		
	Bond Funds	100,000	-0-
004.	Shelby County Fiscal Court - Water Treatment Plant Improvement Project		
	Bond Funds	100,000	-0-
005.	Shelby/Simpsonville Sewer Commission - Upgrade Wastewater Plant		
	Bond Funds	650,000	-0-
006.	Shelbyville Municipal Water - Treatment Plant		
	Bond Funds	1,000,000	-0-
Simpson County			
001.	City of Franklin - Various Water Supply and Sewer Improvements		
	Bond Funds	350,000	-0-
002.	Simpson County Fiscal Court - Water Supply and Fire Protection		

	Improvements		
	Bond Funds	361,000	-0-
003.	Simpson County Water District - Hwy 100W Pump Station (WX21213005)		
	Bond Funds	99,000	-0-
004.	Simpson County Water District - Upgrade Rapids Pump Station - SCB		
	Bond Funds	65,000	-0-

Spencer County

001.	City of Taylorsville - Sewer Treatment Plant		
	Bond Funds	100,000	-0-
002.	Spencer County Fiscal Court - City of Taylorsville Sewer System Expansion (SX21215001)		
	Bond Funds	100,000	-0-
003.	Spencer County Fiscal Court - County Wide Extension - Phase III		
	Bond Funds	50,000	-0-
004.	Taylorsville Water Works - Water Line Extension		
	Bond Funds	250,000	-0-
005.	U.S. 60 Water District - Water Line Extension on U.S. 60 WX22		
	Bond Funds	80,000	-0-

Taylor County

001.	Taylor County Fiscal Court - Sewer and Water Line Extensions		
	Bond Funds	1,000,000	-0-
002.	Taylor County Fiscal Court - Industrial Park Infrastructure		
	Bond Funds	500,000	-0-

Trigg County

001.	Barkley Lake Water District - Water Projects		
	Bond Funds	550,000	-0-
002.	Trigg County - City of Cadiz - Wastewater Treatment Plant Expansion (SX21221001)		
	Bond Funds	200,000	-0-

Trimble County

001.	City of Bedford - Wastewater System Expansion (SX21223006)		
	Bond Funds	250,000	-0-
002.	City of Milton - Water Line Upgrade (WX21223019)		
	Bond Funds	140,000	-0-
003.	Trimble County Water District - Water System Improvement Project (WX21223020)		
	Bond Funds	105,000	-0-

Warren County

001.	Warren County Water District - 68W Reservoir/to 68W Reservoir/ Hillwood Pump Station/Hwy 1083 Check Valve and Master Meter (WX21227032)		
	Bond Funds	583,400	-0-
002.	Warren County Water District - Hwy 31 W North Water Project (WX21227025)		
	Bond Funds	280,000	-0-

003.	Warren County Water District - North Warren County Water and Sewer Improvement Project (SX21227014)		
	Bond Funds	1,250,000	-0-
004.	Warren County Water District - Oakland Rd./Hays #2 Pump Station (WX21227025)		
	Bond Funds	370,000	-0-
005.	Warren County Water District - Parkway Interceptor Phase 2 (SX21227013)		
	Bond Funds	500,000	-0-
006.	Warren County Water District - Sandhill Rd./Norris Rd./Hwy 1297 Pressure Regulator Station/ Hwy 185 @ Garvin Ln./ Old Hwy 185/Rigelwood Drive/Hwy 185 @ Green River (WX21227024)		
	Bond Funds	166,600	-0-
Washington County			
001.	City of Springfield - Sewer Improvements		
	Bond Funds	750,000	-0-
Wayne County			
001.	Monticello Utility Commission - Broad Band Project		
	Bond Funds	1,000,000	-0-
002.	Monticello Utility Commission - Sewer Project		
	Bond Funds	300,000	-0-
003.	Monticello Utility Commission - Water Line Expansions		
	Bond Funds	50,000	-0-
Wolfe County			
001.	City of Campton - Campton Water Plant (WX21237050)		
	Bond Funds	300,000	-0-
Woodford County			
001.	City of Midway - Water Loss Reduction Project (WX21239007)		
	Bond Funds	170,000	-0-
002.	City of Versailles - Water Improvements for the City of Versailles (WX21239008)		
	Bond Funds	1,000,000	-0-
003.	Northeast Woodford Water District - Distribution System Extension (WX21239009)		
	Bond Funds	67,135	-0-
004.	South Woodford Water District - Water Line Extensions and Storage Tank (WX21239006)		
	Bond Funds	512,865	-0-

PART III

GENERAL PROVISIONS

1. **Funds Designations and Sources:** Restricted Funds designated in the biennial budget bills are classified in the state financial records and reports as the Agency Revenue Fund, State Enterprise Funds (State Parks, State Fair Board, Insurance Administration, and Kentucky Horse Park), Internal Services Funds (Fleet Management, Computer Services, Correctional Industries, Central Printing, Risk Management, and Property Management), and selected Fiduciary Funds (Other Expendable Trust Funds). Separate funds records and reports shall be maintained in a manner consistent with the branch budget bills.

The sources of Restricted Funds appropriations in this Act shall include all fees (which includes fees for room and board, athletics, and student activities) and rentals, admittances, sales, bond proceeds, licenses collected by law, gifts, subventions, contributions, income from investments, and other miscellaneous receipts produced or received by a budget unit, except as otherwise specifically provided, for the purposes, use, and benefit of the budget unit as authorized by law. Restricted Funds receipts shall be credited and allotted to the respective fund or account out of which a specified appropriation is made in this Act. All receipts of Restricted Funds shall be deposited in the State Treasury and credited to the proper account as provided in KRS

Chapters 12, 42, 45, and 48.

The sources of Federal Funds appropriations in this Act shall include federal subventions, grants, contracts, or other Federal Funds received, income from investments, and other miscellaneous federal receipts received by a budget unit, the Unemployment Compensation Fund, except as otherwise provided, for the purposes, use, and benefit of the budget unit as authorized by law. Federal Funds receipts shall be credited and allotted to the respective fund account out of which a specified appropriation is made in this Act. All Federal Funds receipts shall be deposited in the State Treasury and credited to the proper account as provided in KRS Chapters 12, 42, 45, and 48.

2. **Expenditure of Excess Restricted Funds or Federal Funds Receipts:** If receipts received or credited to the Restricted Funds accounts or Federal Funds accounts of a budget unit during fiscal year 2004-2005 or fiscal year 2005-2006, and any balance forwarded to the credit of these same accounts from the previous fiscal year, exceed the appropriation made by specific sum for these accounts of the budget unit as provided in Part I, Operating Budget, of this Act, for the fiscal year in which the excess occurs, the excess funds in the accounts of the budget unit shall become available for expenditure for the purpose of the account during the fiscal year only upon compliance with the conditions and procedures specified in KRS 48.400, 48.500, 48.600, 48.605, 48.610, 48.620, 48.630, 48.700, 48.705, 48.710, 48.720, 48.730, 48.800, and 48.810 and this Act, and with the authorization of the State Budget Director and approval of the Secretary of the Finance and Administration Cabinet.

Prior to authorizing the appropriation of any excess, unbudgeted Restricted Funds pursuant to this section, the State Budget Director and the Secretary of the Finance and Administration Cabinet shall review the adequacy of the General Fund Surplus Account with respect to its availability to support Necessary Government Expenses. In the event that General Fund Surplus Account moneys are determined by this review to be adequate to meet known or anticipated Necessary Government Expenses during fiscal year 2004-2005 or fiscal year 2005-2006, respectively, then the appropriation increase may be approved. In the event that the review indicates that there are insufficient funds available or reasonably estimated to become available to the General Fund Surplus Account to meet known or projected Necessary Government Expenses for the fiscal years enumerated above, the State Budget Director, with the concurrence of the Secretary of the Finance and Administration Cabinet, may disapprove the request for additional Restricted Funds expenditure authority and may direct the excess Restricted Funds identified to the General Fund Surplus Account in order to meet Necessary Government Expense obligations. The results of any review shall be reported to the Interim Joint Committee on Appropriations and Revenue in accordance with KRS 48.400, 48.500, 48.600, 48.605, 48.610, 48.620, 48.630, 48.700, 48.705, 48.710, 48.720, 48.730, 48.800, and 48.810.

Any request made by a budget unit pursuant to KRS 48.630 that relates to Restricted Funds or Federal Funds shall include documentation showing a comparative statement of revised estimated receipts by fund source and the proposed expenditures by proposed use, with the appropriated sums specified in the Budget of the Commonwealth, and statements which explain the cause, source, and use for any variances which may exist.

Each budget unit shall submit its reports in print and electronic format consistent with the Restricted Funds and Federal Funds records contained in the fiscal biennium 2004-2006 Branch Budget Request Manual and according to the following schedule in each fiscal year: (1) On or before the beginning of each fiscal year; (2) On or before October 1; (3) On or before January 1; and (4) On or before April 1.

3. **Appropriations Expenditure Purpose and Transfer Restrictions:** Funds appropriated in this Act shall not be expended for any purpose not specifically authorized by the General Assembly in this Act nor shall funds appropriated in this Act be transferred to or between any cabinet, department, board, commission, institution, agency, or budget unit of state government unless specifically authorized by the General Assembly in this Act and the provisions of KRS 48.400, 48.500, 48.600, 48.605, 48.610, 48.620, 48.630, 48.700, 48.705, 48.710, 48.720, 48.730, 48.800, and 48.810. Compliance with the provisions of this section shall be reviewed and determined by the Interim Joint Committee on Appropriations and Revenue.

4. **Permitted Appropriation Obligations:** No state agency, cabinet, department, office, or program shall incur any obligation against the General Fund or Road Fund appropriations contained in this Act unless the obligation may be reasonably determined to have been contemplated in the enacted budget and is based upon supporting documentation considered by the General Assembly, legislative and executive records, and the statutory budget memorandum.

5. **Lapse of General Fund or Road Fund Appropriations Supplanted by Federal Funds:** Any General Fund or Road Fund appropriation made in anticipation of a lack, loss, or reduction of Federal Funds shall lapse to the General Fund or Road Fund Surplus Account, respectively, to the extent the Federal Funds otherwise become available.

6. **Federally Funded Agencies:** A state agency entitled to Federal Funds which would represent 100 percent of the cost of a program shall conform to KRS 48.730.

7. **Lapse of Excess General Fund or Road Fund Debt Service Appropriations:** Pursuant to KRS 48.720, any excess General Fund or Road Fund debt service shall lapse to the respective surplus account unless otherwise directed in this Act.

8. **Interim Appropriation Increases:** No appropriation from any fund source shall exceed the sum specified in this Act until the agency has documented the necessity, purpose, use, and source, and the documentation has been submitted to the Interim Joint Committee on Appropriations and Revenue for its review and action in accordance with KRS 48.630. Proposed revisions to an appropriation contained in the enacted State/Executive Budget or allotment of an unbudgeted appropriation shall conform to the conditions and procedures of KRS 48.630 and this Act.

Notwithstanding KRS 48.630(3), (4), and (5), any proposed and recommended actions to increase appropriations for funds specified in Section 2 of this Part shall be scheduled consistent with the timetable contained in that section in order to provide continuous and timely budget information.

9. **Revision of Appropriation Allotments:** Allotments within appropriated sums for the activities and purposes contained in the enacted State/Executive Budget shall conform to KRS 48.610 and may be revised pursuant to KRS 48.605 and this Act.

10. **Continuing Appropriations:** All statutory continuing appropriations in existence at the time this Act takes effect are discontinued and suspended by this Act, except as provided by Chapters 42, 96A, 164, 183, 278, and 441 of the Kentucky Revised Statutes. All statutes and portions of statutes in conflict with any of the provisions of this section, to the extent of the conflict, are suspended unless otherwise provided by this Act.

11. **Construction of Budget Provisions on Prior Fiscal Year Appropriations and Statutory Budget Administration Powers and Duties:** Except as otherwise explicitly authorized by this Act, nothing in this Act shall be construed to repeal any appropriation made heretofore or hereafter for the fiscal year ending June 30, 2004, and nothing in this Act is to be construed as amending or altering the provisions of Chapters 42, 45, and 48 of the Kentucky Revised Statutes pertaining to the duties and powers of the Secretary of the Finance and Administration Cabinet except as otherwise provided in this Act.

12. **Interpretation of Appropriations:** All questions that arise in interpreting any appropriation in this Act as to the purpose or manner for which the appropriation may be expended shall be decided by the Secretary of the Finance and Administration Cabinet pursuant to KRS 48.500, and the decision of the Secretary of the Finance and Administration Cabinet shall be final and conclusive.

13. **Enacted Budget of the Commonwealth:** The State Budget Director shall cause the Governor's Office for Policy and Management, within 60 days of adjournment of the 2004 Regular Session of the General Assembly, to publish a final enacted budget document, styled the Budget of the Commonwealth, based upon the recommended Legislative Budget, State/Executive Budget and Judicial Budget as enacted by the 2004 Regular Session of the General Assembly as well as other Acts which contain appropriation provisions for fiscal year 2003-2004 and the 2004-2006 fiscal biennium, and based upon supporting documentation and legislative records as considered by the 2004 Regular Session of the General Assembly, and the statutory budget memorandum. This document shall include, for each agency and budget unit, a consolidated budget summary statement of available regular and continuing appropriated revenue by fund source, corresponding appropriation allocations by program or subprogram as appropriate, budget expenditures by principal budget class and for the State/Executive Budget, and any other fiscal data and commentary considered necessary for budget execution by the Governor's Office for Policy and Management and oversight by the Interim Joint Committee on Appropriations and Revenue. The enacted State/Executive Budget shall be revised or adjusted only upon approval by the Governor's Office for Policy and Management as provided in each Part of this Act and by KRS 48.400, 48.500, 48.600, 48.605, 48.610, 48.620, 48.630, 48.700, 48.705, 48.710, 48.720, 48.730, 48.800, and 48.810, and upon review and action by the Interim Joint Committee on Appropriations and Revenue.

14. **State Financial Condition:** Pursuant to KRS 48.400, the State Budget Director shall monitor and report on the financial condition of the Commonwealth.

15. **Prorating Administrative Costs:** The Secretary of the Finance and Administration Cabinet is authorized to establish a system or formula or a combination of both for prorating the administrative costs of the Finance and Administration Cabinet, the Department of Treasury, and the Office of the Attorney General relative to the administration of programs in which there is joint participation by the state and federal governments for the purpose of receiving the maximum amount of participation permitted under the appropriate federal laws and regulations governing the programs. The receipts and allotments under this section shall be reported to the Interim Joint Committee on Appropriations and Revenue prior to any transfer of funds.

16. **Construction of Budget Provisions Regarding Executive Reorganization Orders:** Nothing in this Act shall be construed to confirm or ratify, under KRS 12.027 or 12.028, any executive reorganization order unless the executive order was confirmed or ratified by appropriate amendment to the Kentucky Revised Statutes in an Act of the 2003 Regular Session of the General Assembly or another Act of the 2004 Regular Session of the General Assembly. If any executive reorganization order issued from sine die adjournment of the 2003 Regular Session to sine die adjournment of the 2004 Regular Session was not confirmed by the 2004 Regular Session of the General Assembly, the Secretary of the Finance and Administration Cabinet shall, in consultation with agency heads and with notification to the Legislative Research Commission, transfer the balance of funds for any affected program or function for fiscal year 2003-2004 and any related appropriations and funds for each of the next two fiscal years from the budget unit in which the program or function was placed by the executive reorganization order to the budget unit in which the program or function resided prior to the reorganization action or in which it was placed by action of the 2004 Regular Session of the General Assembly.

17. **Employer Retirement Contribution Rate:** Notwithstanding KRS 61.565, the employer contribution rate for any entity participating in the Kentucky Employees Retirement System shall be as follows: from July 1, 2004, through June 30, 2005, the contribution rates shall be no more than 5.89 percent for nonhazardous duty employees, 18.84 percent for hazardous duty employees, and 21.58 percent for employees of the State Police Retirement System. From July 1, 2005, through June 30, 2006, the employer contribution rate shall be no more than 5.89 percent for nonhazardous duty employees, 18.84 percent for hazardous duty employees, and 21.58 percent for employees of the State Police Retirement System.

18. **Budget Planning Report:** By August 15, 2005, the State Budget Director, in conjunction with the Consensus Forecasting Group, shall provide to each branch of government, pursuant to KRS 48.117, a budget planning report.

19. **Tax Expenditure Revenue Loss Estimates:** By October 15, 2005, the Office of State Budget Director shall

provide to each branch of government detailed estimates for the General Fund and Road Fund for the current and next two fiscal years of the revenue loss effected by tax expenditures. The Department of Revenue shall provide assistance and furnish data which is not restricted by KRS 131.190. "Tax expenditure" means an exemption, exclusion, or deduction from the base of a tax, a credit against the tax, a deferral of a tax, or a preferential tax rate. The estimates shall include for each tax expenditure the amount of revenue loss, a citation of the legal authority for the tax expenditure, the year in which it was enacted, and the tax year in which it became effective.

20. **Duplicate Appropriations:** Any appropriation item and sum in Parts I to X of this Act and in an appropriation provision in another Act of the 2004 Regular Session which constitute a duplicate appropriation shall be governed by KRS 48.312.

21. **Priority of Individual Appropriations:** KRS 48.313 shall control when a total or subtotal figure in this Act conflicts with the sum of the appropriations of which it consists.

22. **Severability of Budget Provisions:** Appropriation items and sums in Parts I to X of this Act shall conform to KRS 48.311. If any section, any subsection, or any provision is found by a court of competent jurisdiction in a final, unappealable order to be invalid or unconstitutional, the decision of the courts shall not affect or impair any of the remaining sections, subsections, or provisions.

23. **Unclaimed Lottery Prize Money:** For fiscal year 2004-2005 and fiscal year 2005-2006, all unclaimed lottery prize money under KRS 154A.110(3) shall be credited to the Student Financial Aid and Advancement Trust Fund to be held as a subsidiary account for the purpose of funding the Kentucky Excellence in Education Scholarship (KEES) Program as appropriated in this Act. Upon the effective date of this Act, the balance of funds in the KEES Program Reserve Account as established by 2003 Ky. Acts ch. 156, Part III, section 24., shall be transferred to the KEES Reserve subsidiary account of the Student Financial Aid and Advancement Trust Fund. If the Kentucky Higher Education Assistance Authority certifies to the State Budget Director that the appropriations in this Act for the KEES Program under the existing award schedule are insufficient to meet funds required for eligible applicants, then the State Budget Director shall provide the necessary allotment of funds in the balance of the Subsidiary Account to fund the KEES Program. Actions taken under this section shall be reported to the Interim Joint Committee on Appropriations and Revenue on a timely basis.

24. **Technology Trust Fund:** The Technology Trust Fund is the Technology Trust Fund established by 1996 Ky. Acts ch. 380, Part X, to empower Kentucky state government through technology and redesigned business systems, and additional amounts made available and appropriated to it by the 1998 Regular Session in House Bill 321 (1998 Ky. Acts ch. 615, Part X).

Appropriations allotted from the Technology Trust Fund for each project, initiative, or system, as well as all other associated resources made available from regular appropriations for the same purpose from a budget unit shall be transferred and credited to, and accounted for and expended from, a discrete account established for the individual project, initiative, or system item. In addition to the General Fund appropriations for the Technology Trust Fund, Restricted Funds, Federal Funds, the Road Fund, private funds, and any matching fund appropriations required are appropriated in support of the projects and priorities previously identified by the Empower Kentucky Steering Committee. However, notwithstanding KRS 45.760(14), 45.770, 45.780, and 45.800, no funds from the Emergency Repair, Maintenance, and Replacement Account shall be used for Technology Trust Fund projects, systems, or initiatives.

25. **General Fund and Road Fund Budget Reduction Plans and Orders:** The General Assembly acknowledges that during fiscal year 2003-2004 the General Fund revenues were less than the enacted estimates pursuant to KRS 48.120(3) and that the 2002 General Assembly had enacted the legislative branch budget bill in 2002 Ky. Acts ch. 172 and the 2003 General Assembly had enacted the executive and judicial branch budget bills in 2003 Ky. Acts chs. 156 and 14 as contained in the Appendices to KRS Chapter 47 based upon the anticipated revenue estimates.

The 2003 General Assembly enacted the 2002-2004 biennium General Fund Budget Reduction Plan for fiscal year 2003-2004 in 2003 Ky. Acts ch. 156 Part VI, for state government pursuant to KRS 48.130(1) and (3). These statutes and Acts provide direction and authority by which the heads of the executive, judicial, and legislative branches shall revise and reduce appropriations and allotments and other deficit alleviation actions for their respective branch budget units under KRS 48.130(4).

Notwithstanding KRS 48.130 and 48.600, and except as otherwise modified by this Act, the General Assembly confirms, adopts, and enacts the revised General Fund appropriation levels for the budget units of the Executive Branch identified in General Fund Budget Reduction Order 04-01 and confirms and enacts the advances, transfers, and lapses to the General Fund of non-General Fund moneys identified in General Fund Budget Reduction Order 04-01.

The 2003 General Assembly enacted the 2002-2004 biennium Road Fund Budget Reduction Plan for fiscal year 2003-2004 in 2003 Ky. Acts ch. 156, Part VII, for state government pursuant to KRS 48.130(1) and (3). These statutes and Acts provide direction and authority by which the head of the Executive Branch shall revise and reduce appropriations and allotments and other deficit alleviation actions for the Executive Branch budget units under KRS 48.130(4).

Notwithstanding KRS 48.130 and 48.600, and except as otherwise modified by this Act, the General Assembly confirms, adopts, and enacts the revised Road Fund appropriation levels for the budget units of the Executive Branch identified in Road Fund Budget Reduction Order 04-01 and confirms and enacts the advances, transfers, and lapses to the Road Fund of non-Road Fund moneys identified in Road Fund Budget Reduction Order 04-01.

26. **State Purchases of Motor Vehicle Liability Insurance:** Notwithstanding any provision of the Kentucky Revised Statutes, to the extent that any governmental agency purchases motor vehicle liability insurance, sovereign immunity shall be

waived to the extent of the insurance coverage.

27. Use Tax on Sales of Printing or Direct Mail Advertising Materials: Notwithstanding KRS 139.340, a commercial printer or mailer engaged in business in this state shall not be required to collect use tax on sales of printing or direct mail advertising materials that are both printed out of state and delivered out of state to the United States Postal Service for mass mailing to third-party Kentucky residents who are not purchasers of the advertising materials if the commercial printers or mailers:

a. Maintain records relating to these sales to assist in the collection of the use tax owed; and

b. File reports as provided in KRS 139.730 if requested by the Revenue Cabinet.

If the commercial printer or mailer complies with these reporting provisions, the purchaser of the printing or direct mail advertising materials described in this section shall have sole responsibility for payment of the use tax imposed in KRS 139.310.

28. Excess Tobacco Master Settlement Agreement Funds: Notwithstanding KRS 248.654, all Master Settlement Agreement - Phase I payments in excess of the amounts appropriated in Part I of this Act shall be retained in the General Fund.

29. Cigarette Tax Evidence Compensation: Notwithstanding KRS 138.146(4), after June 30, 2003, the compensation allowed shall be equal to $0.15 face value for each $3 of cigarette tax evidence purchased at face value.

30. Sales and Use Tax Collection and Remittance Compensation: Notwithstanding KRS 139.570, after June 30, 2003, the total reimbursement allowed shall not exceed $1,500. Notwithstanding KRS 139.250 or 139.700, after the effective date of this Act, separate permit numbers for a taxpayer with different business locations shall not be issued.

31. Abandoned Property Receipts/General Fund: Notwithstanding KRS 393.015, all abandoned property receipts collected, net of claims paid, in fiscal years 2004-2005 and 2005-2006 shall be available for appropriation in the General Fund.

32. Reallocation of Appropriations Among Budget Units: The Executive Branch shall implement appropriate actions necessary to operate within the appropriations authorized in this Act. The General Assembly recognizes that Executive Branch agency heads may determine it to be necessary to modify the actual budget unit expenditure totals within each cabinet and agency in order to manage within the available resources provided in this Act in order to execute prescribed administrative and program directives. The Secretary of any cabinet, the Commissioner of the Department of Education, and other agency heads are authorized to request revisions or reallocations in appropriation authority among budget units under their administrative authority for the purpose of implementing this Act. Prior to requesting any reallocation between appropriation units, the Secretary of any cabinet, the Commissioner of the Department of Education, and other agency heads shall submit a request to the Office of State Budget Director to transfer General Fund and Restricted Funds authority within their respective cabinet or agency. Such requests shall specify the need for the transfer of the authority. Any transfers made under this section for any cabinet, agency, or the Department of Education shall result in no change to the total amount appropriated within that cabinet or agency. Any transfers made under this section shall be made pursuant to KRS 48.500 and shall be reported, in writing, to the Interim Joint Committee on Appropriations and Revenue at least 30 days prior to the proposed transfer.

33. Deduction for Taxes Paid to Foreign Countries: Notwithstanding KRS 141.010(11)(a), effective for taxable years beginning after December 31, 2002, the deduction for taxes paid to foreign countries is not allowable.

34. Sales and Use Tax on Natural Gas Distribution Services: Notwithstanding KRS 139.100, effective June 1, 2003, the furnishing of natural gas distribution services or natural gas transmission or transportation services shall be retail sales subject to sales and use tax except for the furnishing of those services to residential customers as defined in KRS 139.470(8).

35. Office Space: Within 30 days of the effective date of this Act, the Secretary of the Finance and Administration Cabinet shall assure that the Capitol Annex space allocated to the legislative branch by KRS 56.463(4)(b) and designated for occupancy by the October 1, 2003, Resolution of the Legislative Research Commission shall be vacated by the executive branch and available for immediate occupancy by the legislative branch. The Secretary of the Finance and Administration Cabinet shall be authorized to lease such additional space as may be necessary to comply with the provisions of this paragraph.

The Secretary of the Finance and Administration Cabinet shall not authorize the expansion of additional office space or improvement of leased space for any state agency for existing leases or for any new leases for additional space except as necessary to address public health and safety issues which have been documented to comply with a federal or state mandate or to reduce current lease costs.

Notwithstanding the provisions in this section, the Office of Public Advocacy shall be permitted to secure additional lease space to accommodate new staff supported by the budget or through an appropriation increase approved during the interim.

36. Designated General Fund Carry Forward: Notwithstanding KRS 48.700 and 48.705 and other Parts in this Act, the Secretary of the Finance and Administration Cabinet shall determine and certify, within 30 days of the close of fiscal year 2003-2004 and fiscal year 2004-2005, the actual amount of undesignated balance of the General Fund for the year just ended. The amounts from the undesignated fiscal year 2003-2004 and fiscal year 2004-2005 General Fund balances (General Fund Surplus Account, KRS 48.700) that are designated and carried forward for budgeted purposes in the 2004-2006 fiscal biennium shall be determined by the State Budget Director during the close of the respective fiscal year and shall be reported to the Interim Joint Committee on Appropriations and Revenue within 30 days of the close of the fiscal year. The General Fund undesignated balance in excess of the amount designated for budgeted purposes under this section shall be made available for the General Fund Surplus Plan contained in Part VII unless otherwise provided in this Act.

37. Reduction In State Utility Costs: The Finance and Administration Cabinet is hereby directed to continue to review current practices to reduce energy costs to achieve a government-wide savings of total utility costs. The Cabinet is empowered to utilize expertise in the Department of Natural Resources, the Public Service Commission, and other agencies to accomplish this goal.

38. **Cellular Telephones/Electronic Devices:** By 90 days after the effective date of this Act, the Secretary of the Finance and Administration Cabinet shall review the use of cellular telephones and other types of electronic communication devices and issue guidelines to state agencies specifying criteria to document the need for such equipment. A copy of the guidelines shall be transmitted to the Interim Joint Committee on Appropriations and Revenue at the time of issuance.

39. **Permanently Assigned Vehicles:** The Secretary of the Finance and Administration Cabinet and the Secretary of the Transportation Cabinet shall not authorize any permanently assigned vehicles, except to the Court of Justice, Secretaries of the Executive Cabinet, and for law enforcement or other public safety purposes.

40. **Travel Expenditures:** All state agencies shall continue to monitor all travel expenditures and shall utilize state parks or other state facilities to the fullest extent feasible.

41. **State Vehicle Reduction:** The General Assembly declares that the financial condition of the Commonwealth requires that the Secretary of the Finance and Administration Cabinet, pursuant to KRS 44.045 and in conjunction with the Secretary of the Transportation Cabinet, shall reduce the number of state vehicles assigned to agencies by 500 vehicles within 90 days of the effective date of this Act.

42. **Abandoned Property held by Financial Institutions:** Notwithstanding KRS 393.060, the dormancy period for property held or owing by a banking or financial institution, other than traveler's checks, shall be three years rather than seven years.

43. **Sale of Escheated Securities by Treasury Department:** Notwithstanding KRS 393.125, the department, within three years of the receipt of securities, shall sell the securities. A person making a claim of securities held less than three years by the department and sold by the department shall only be entitled to the proceeds of the sale of the securities, less any deduction for expenses of the sale.

44. **Contract Reporting:** Notwithstanding any provision of the Kentucky Revised Statutes to the contrary, unless exempted under a provision of KRS 45A.690(1)(d) or (f), each municipal corporation; each independent state board, bureau, commission, department, division, authority, university, college, or office; and any other state entity authorized by law to enter into agreements or contracts for services shall abide by the provisions of KRS 45A.690 to 45A.725.

45. **Commercial Mobile Radio Service (CMRS) Emergency Telecommunications Board Subscriber Rate:** Notwithstanding KRS 65.7629(3), effective July 1, 2004, the CMRS subscriber rate charge shall be one dollar monthly. Notwithstanding KRS 65.7621 to 65.7643, the sum of $2,756,000 in fiscal year 2005-2006 shall be transferred from the CMRS fund created under KRS 65.7627 to the credit of the General Fund to provide for General Fund debt service associated with the Public Safety Communications Infrastructure - KEWS capital project in the amount of $2,552,000 and the Upgrade Statewide Radio System capital project in the amount of $204,000. All necessary debt service amounts shall be appropriated from the General Fund and shall be fully paid regardless of whether there are sufficient moneys available to be transferred from the CMRS subscriber rate supported funding program accounts to the other accounts of the General Fund.

46. **General Publishing:** Notwithstanding KRS 65.070, 83A.060, 91A.040, 160.463, 424.180, 424.190, 424.220, 424.230, 424.250, 424.260, 424.270, 424.330, and 424.360, for public agencies that are otherwise required by law to advertise in a county with a consolidated local government or an urban-county government, any public availability to annual financial statements and other required legal advertising may be made available as prescribed by statute; however, a public agency in such a county may instead make the information available electronically on the Internet or by printed copy at a prearranged site at the public library. If a public agency selects the alternative for publication on the Internet or printed copy at the public library, the agency head shall publish notification in the newspaper as prescribed by statute as to the location where the document can be viewed by the public. The notification shall include the address of the library or the electronic address of the Web site on the Internet where the documents can be viewed.

47. **Oral History Program:** Notwithstanding KRS 7B.080, $500,000 is provided from the Kentucky Long-Term Policy Research Center Fund in fiscal year 2004-2005 for the University of Kentucky Oral History Program. The program shall be named the University of Kentucky/Louie B. Nunn Oral History Program. These funds are eligible to be matched by the Research Trust Challenge Grant.

48. **Horse Cave Repertory Theatre:** The Horse Cave Repertory Cave Theatre located in Hart County, Kentucky is named and designated as the official state repertory theatre.

49. **Tax Credit Pilot Project:** Notwithstanding KRS 141.020 and 141.040, there is provided a nonrefundable tax credit equal to 20 percent of the restoration and rehabilitation costs for projects located in restoration zones as approved by the Heritage Council. The tax credit limit per project shall be set at $100,000 for commercial projects, $60,000 for owner-occupied residential projects, and $10,000 for infill development projects. The credit may be transferred or assigned with some or no consideration, along with any related benefits, rights, responsibilities, and liabilities. If the taxpayer is a pass-through entity, the tax credit shall pass through in the same proportion as the distributive share of income or loss is passed through. The Council shall implement a pilot project in rural and urban areas of Kenton and Campbell Counties, to initiate tax credit incentives to total $500,000 or less in fiscal year 2005-2006. Qualified and documented projects shall be approved on a first-come, first-served basis

until the appropriated cap for the pilot project has been committed. The Council's responsibilities shall include but not be limited to advising applicants, reviewing restoration proposals, certifying restoration zones, developing standards for the operation and administration of the project, and reporting to the Legislative Research Commission by December 31, 2006.

The provisions of this section shall apply for tax years beginning after December 31, 2003.

50. Payments in Lieu of Taxes: Notwithstanding KRS 96.895, the payment amount calculated to be due any county, city, or school district shall not exceed $2,500,000. The amount calculated in excess of $2,500,000 for any county, city, or school district shall lapse to the credit of the General Fund.

51. Budget Reserve Trust Fund: The amount of $47,234,700 is appropriated from the General Fund in fiscal year 2004-2005 to the Budget Reserve Trust Fund (KRS 48.705). If the State Budget Director certifies to the Legislative Research Commission that the enactment by the 2004 General Assembly of general appropriation bills and bills with an appropriation provision, as defined in KRS 48.010(3), will affect the General Fund undesignated balance for the fiscal year ending June 30, 2006, the State Budget Director may direct the Secretary of the Finance and Administration Cabinet to reduce the amount of the above appropriation to a revised level in the state financial management, accounting, and reporting system. If the appropriation to the Budget Reserve Trust Fund is revised as provided in this section, the State Budget Director is authorized to record and report the revised amount in the Budget of the Commonwealth document. Any certification or other official action taken under authority of this section shall be reported concurrently to the Interim Joint Committee on Appropriations and Revenue.

52. Legislative Security: Notwithstanding KRS 48.310, the following statutes are amended to read as follows, and shall have permanent effect subject to future actions by the General Assembly:

Section 1. KRS 6.420 is amended to read as follows:

(1) The Department of State Police shall furnish adequate protection for the property***,***[~~ and~~] facilities***, members, and employees*** of the General Assembly and the Legislative Research Commission ***and for the public***, both during and between sessions of the General Assembly, and shall render such additional security services as may be required by ***either*** the co-chairmen ***or the director*** of the Legislative Research Commission.

(2) The commissioner of the Department of State Police shall designate officers and civilian employees of the Department of State Police to provide security as specified in subsection (1) of this section for the General Assembly and its facilities, property, members, and employees; employees of the Legislative Research Commission; and the public.

(3) Those employees who are not sworn officers of the department under KRS Chapter 16 shall:

- ***(a) Have the title of legislative security specialist;***
- ***(b) Be civilian employees of the Department of State Police under KRS Chapter 18A for employment purposes;***
- ***(c) Be certified peace officers pursuant to KRS 15.380 to 15.404;***
- ***(d) Remain certified peace officers during the course of their employment as legislative security specialists;***
- ***(e) Have the same powers of arrest and service of process as a sworn officer of the Department of State Police under KRS Chapter 16;***
- ***(f) Have the same rights with regard to carrying a concealed deadly weapon as a sworn officer of the Department of State Police under KRS Chapter 16.***
- ***(g) Take the constitutional oath of office and the oath of office as a peace officer;***
- ***(h) Give such bond as the commissioner of the Department of State Police shall designate and with such surety as required by the commissioner, conditioned upon faithful performance of his or her duties. This bond shall be paid by the Department of State Police;***
- ***(i) Be entitled to attend in service training at Department of State Police and Department of Criminal Justice Training facilities without charge; and***
- ***(j) Be provided with specialized training in legislative security, personnel protection, loss management, and other matters necessary for the proper conduct of their duties.***

(4) Those employees of the department who are not sworn officers of the department under KRS Chapter 16 shall not:

- ***(a) Be required to engage in road patrol;***
- ***(b) Engage in regular police duties other than as related to legislative security;***
- ***(c) Engage in investigative duties other than as related to legislative security; or***
- ***(d) Be required to serve process in matters other than those related to legislative security.***

Section 2. KRS 16.010 is amended to read as follows:

As used in KRS 16.030 to 16.170, unless the context requires otherwise:

(1) "Cabinet" means the Justice Cabinet;

(2) "Secretary" means the secretary of justice;

(3) "Commissioner" means the commissioner of the Department of State Police;

(4) "Officer" means any member of the Kentucky State Police who possesses the powers of a peace officer;

(5) "Civilian" means such experts, statisticians, clerks, and other assistants who***, except as provided in KRS 6.420,*** do not possess the powers of a peace officer;

(6) "Board" means the State Police Personnel Board; and

(7) "Department" means the Department of State Police.

Section 3. KRS 16.185 is amended to read as follows:

(1) Any officer ***or legislative security specialist*** who is sued for any act or omission in the line of duty and who has a judgment for monetary damages rendered against him ***or her*** in his ***or her*** individual capacity, and who personally suffers actual financial loss, unreimbursed from any source, by the enforcement and satisfaction of the judgment, including any costs or attorney fees awarded pursuant thereto, shall be indemnified by the Commonwealth, from funds appropriated to the Finance and Administration Cabinet for the payment of judgments, to the extent of his ***or her*** actual financial loss.

(2) The indemnification shall be contingent upon an express determination by the commissioner that the act or omission which resulted in liability was within the scope and course of the officer's ***or legislative security specialist's*** employment and occurred during the performance of duty and was committed or omitted in the good faith belief that the act or omission was lawful and proper.

(3) If the officer ***or legislative security specialist*** seeking indemnification is the commissioner, the determination referred to in subsection (2) of this section shall be made by the Governor.

(4) The indemnification shall not be construed to abrogate or limit any privilege, immunity, or matter of defense otherwise available to the officer and shall not constitute a waiver of any privilege, immunity, or matter of defense, including the sovereign immunity of the Commonwealth.

(5) The indemnification shall not be the subject of comment, directly or indirectly, before any jury hearing any cause of action in which an officer ***or legislative security specialist*** is a party, and any comment before the jury shall result in an immediate mistrial.

53. Premium and Retaliatory Taxes: Notwithstanding KRS 304.17B-021(4)(d), premium taxes collected under KRS Chapter 136 from any insurer and retaliatory taxes collected under KRS 304.3-270 from any insurer shall be credited to the General Fund.

54. Enterprise Zone Tax Incentives: Notwithstanding KRS 154.45-010 to 154.45-120, any business certified as a qualified business prior to the expiration date of the enterprise zone designation shall be eligible for the tax incentives under KRS 154.45-090(2) and (3) for any projects started prior to the expiration date of the enterprise zone designation. The provisions of this section shall only apply if the project had a project scope of $40,000,000 or more, the project was one that was recommended by a tourist and convention commission, the project complements existing tourism and convention facilities, and the project connects to public property. The maximum sales tax exemption for any one project for the period beginning January 1, 2004, and ending June 30, 2006, shall not exceed $700,000 in tax. The provisions of this section shall be retroactive to January 1, 2004.

55. Smokeless Tobacco: The General Assembly recognizes that increasing taxes on tobacco products should reduce consumption, and therefore result in healthier lifestyles for Kentuckians. The relative taxes on tobacco products, proposed in PART XXI of this Act, reflect the growing data from scientific studies which suggest that although smokeless tobacco poses some risks, those health risks are significantly less than other forms of tobacco products. Moreover, the General Assembly acknowledges that some in the public health community recognize that tobacco harm reduction should be a complementary public health strategy regarding tobacco products. Taxing tobacco products according to relative risks is a rational tax policy and may well serve the public health goal of reducing smoking-related mortality and morbidity and lowering health care costs associated with tobacco related disease.

PART IV

STATE SALARY/COMPENSATION AND EMPLOYMENT POLICY

1. Maximum Filled Permanent Positions: Notwithstanding KRS 18A.010(2), for the 2004-2006 fiscal biennium, the total number of filled permanent positions in the agencies of the Executive Branch is limited to the number authorized in the enacted State/Executive Budget of the Commonwealth for the 2004-2006 fiscal biennium. The provisions of this section do not apply to the employees of the General Assembly, the Legislative Research Commission, or the Court of Justice.

2. Annual Organizational Review and Vacant Position Abolishment: The Commissioner of the Department of Personnel shall conduct an annual organizational review of all state agencies in accordance with this Act.

a. As used in this section, unless the context indicates otherwise:

(1) "Management position" means any position that heads an organizational unit;

(2) "Organizational unit" means any unit of an organization in the executive branch of state government that is not an administrative body, including but not limited to any agency, program cabinet, department, bureau, division, section, or office, as defined in KRS 12.010; and

(3) "Commissioner" means the Commissioner of the Department of Personnel or the executive head of its successor agency.

b. The Commissioner of the Department of Personnel shall review annually the number of permanent, full-time positions assigned to each organizational unit. By October 1 each year, after review with the appointing authority, the Commissioner shall provide the Legislative Research Commission with the justification to retain any organizational unit consisting of five or fewer full-time positions.

c. If, as a result of this organizational review, an organizational unit is abolished by the appointing authority, the Commissioner shall assist the appointing authority in transferring all permanent, full-time classified employees with status to other organizational units within that agency.

d. A classified employee in a management position of an organizational unit that is abolished as a result of this review who is not transferred to a similar management position in a different organizational unit may retain the management classification, grade, and pay level for 12 months in the organizational unit to which the employee is transferred even if it is not authorized in the gaining unit.

e. After the 12 month period, the employee shall be reclassified to the appropriate classification by the Commissioner. The employee shall retain his or her current salary, including annual increments and cost-of-living adjustments, until the employee advances to a higher grade level than the management position from which the employee was reclassified.

f. The Commissioner of Personnel shall abolish any organizational unit management position in any agency that is vacant, and not advertised for filling, for 90 days and review with the appointing authority the necessity to retain the organizational unit.

3. Authorized Personnel Complement: On July 1, 2004, the Department of Personnel shall establish a record of budgeted permanent and other equivalent positions based upon the enacted State/Executive Budget of the Commonwealth and any adjustments authorized by provisions in this Act. The total number of filled and vacant positions of full-time, part-time, and interim employees shall not exceed the authorized complements pursuant to this section. When an agency head certifies that an emergency employment situation exists for a limited time within a fiscal year, the State Budget Director may approve, and the Commissioner of Personnel may authorize, the employment of individuals in addition to the authorized complement for the duration of the limited time period so authorized within the fiscal year. A copy of records, certifications, and actions authorized in this section shall be provided to the Interim Joint Committee on Appropriations and Revenue on a monthly basis.

4. Cost-of-Living Adjustment: Notwithstanding KRS 18A.355(1), a cost-of-living adjustment of two percent is provided in fiscal year 2004-2005 and three and one-half percent is provided in fiscal year 2005-2006 on the base salary or wages of each eligible state employee on their anniversary date.

5. Cabinet Secretaries Salaries: The total annual salaries for Cabinet Secretaries, as authorized by KRS 12.255, shall not exceed the total annual salaries for all Cabinet Secretary positions on December 1, 2003.

6. Employee Furloughs or Reductions in Hours: The General Assembly declares that the financial condition of the Commonwealth requires the following fiscal policies to be implemented and administered during the 2004-2006 fiscal biennium:

a. For purposes of this section:

(1) "Appointing authority" means the agency head as defined in KRS 18A.005(1) and 151B.010(1);

(2) A "furlough" or "reduction in hours" means that an appointing authority may temporarily reduce the number of hours that an employee is scheduled to work within a pay period if the Budget Reduction Plan or cost savings contemplated in this Act are not achieved. In the case of an employee who is considered "salaried" or "exempt" from the coverage of the Fair Labor Standards Act, 29 U.S.C. sec. 201 et seq., the length of a furlough shall not be less than a work week;

(3) A "lack of funds" means an appointing authority has a current or projected deficiency of funding to maintain current, or to sustain projected, levels of staffing and operations; and

(4) A "lack of work" means an operating authority has a current or projected decrease in the workload, which requires a reduction of current or projected staffing levels.

b. Notwithstanding any other provision of law, an appointing authority, with the approval of the Commissioner of the Department of Personnel or, in the case of employees governed by KRS Chapter 151B, the Kentucky Technical Education Personnel Board, may temporarily reduce the hours of work assigned to employees due to:

(1) Lack of work;

(2) Seasonal changes in demand for services; or

(3) A current or projected deficiency of funding necessary to maintain current, or to sustain projected, levels of staffing and operations.

c. An employee whose hours of work are temporarily reduced by the appointing authority pursuant to this section shall be notified in writing of the reduced schedule of work, the reasons for the reduction, and the reasons for the employee's selection.

d. Notwithstanding any other provision of law, an employee whose hours of work are temporarily reduced by the appointing authority pursuant to this section:

(1) Shall remain eligible for state-paid benefits during the temporary reduction of hours; and

(2) Shall not be entitled to appeal the reduction to the Personnel Board or, in the case of employees governed by KRS Chapter 151B, the Kentucky Technical Education Personnel Board, unless the length of the furlough exceeds ten consecutive

working days.

e. Whenever a furlough is necessary, the appointing authority of an agency shall decide in which county or facility and within which classifications the furlough will occur, and the number of employees to be furloughed within each affected county, facility, or classification. The order of furlough shall be based on length of service and relative qualifications to perform the essential functions of any positions that remain in operation within the agency, county, or facility.

f. An employee subject to KRS Chapter 18A who has been furloughed for more than ten consecutive working days, and who believes that the furlough was unwarranted under the provisions of this section or that the appointing authority failed to properly apply the criteria established by this section in determining the order of furlough, may appeal to the Personnel Board within 30 days of the date the notice of furlough was mailed or delivered by the appointing authority. An employee shall not have the right to appear before the appointing authority prior to furlough. In all other respects, the provisions of KRS 18A.095 shall govern appeals based on furloughs.

g. An employee subject to KRS Chapter 151B who has been furloughed more than ten consecutive working days, and who believes that the furlough was unwarranted under the provisions of this section or that the appointing authority failed to properly apply the criteria established in this section in determining the order of furlough, may appeal to the Kentucky Technical Education Personnel Board within 30 days of the date the notice of furlough was mailed or delivered by the appointing authority. An employee shall not have the right to appear before the appointing authority prior to furlough. In all other respects, the provisions of KRS 151B.060 shall govern appeals based on furlough.

h. Notwithstanding any other provision of law, an employee participating in one of the state retirement systems who is furloughed to the extent of working less than 100 hours per month shall, upon return to regular hours, have the right to purchase service credit by paying the employee contributions on the difference between the creditable compensation that would have been paid had the employee not been furloughed and the actual compensation received for the period the employee was placed on furlough and worked less than 100 hours. If the employee elects to purchase service credit, the employing agency shall pay the employer contributions for the period purchased by the employee.

i. The Commissioner of the Department of Personnel shall promulgate an administrative regulation to implement a furlough program. The administrative regulation shall include a provision authorizing employees to elect to voluntarily participate in a furlough program.

PART V

FUNDS TRANSFER

The General Assembly finds that the financial condition of state government requires the following action.

Notwithstanding the statutes or requirements of the Restricted Funds enumerated below, there is transferred to the General Fund the following amounts in fiscal year 2003-2004, fiscal year 2004-2005, and fiscal year 2005-2006.

		2003-2004	**2004-05**	**2005-06**
A.	**GENERAL GOVERNMENT**			
1.	**Department of Personnel -**			
	General Operations	355,600	-0-	-0-
	(KRS 18A.015(4))			
2.	**Department of Personnel**			
	Flexible Spending Account	-0-	2,000,000	1,500,000
	(KRS 18A.225(2)(g))			
3.	**Governor's Office of Agricultural Policy**			
	Agency Restricted Funds	4,000	-0-	-0-
4.	**Veterans' Affairs**			
	Agency Restricted Funds	306,700	-0-	-0-
5.	**Secretary of State**			
	Limited Liability Companies	20,600	1,500,000	1,000,000
	(KRS 14.140)			
6.	**Board of Elections**			
	Agency Restricted Funds	2,900	84,900	22,900
7.	**Treasury - Unclaimed Property**	20,500	-0-	-0-
	(KRS 393.250(1))			
8.	**Department of Agriculture**	153,800	-0-	-0-
	(KRS 217B.580, 248.290(2),			
	251.430, 260.650,			

	363.330, 363.906, and 438.335)			
9.	**Military Affairs** Agency Restricted Funds	473,700	-0-	-0-
10.	**Local Government** County Cemetery Fund (KRS 67.682)	35,100	-0-	-0-
11.	**Local Government Economic Development Fund** (KRS 42.4592)	-0-	4,095,100	2,384,000
12.	**Commission on Women** Agency Restricted Funds	800	-0-	-0-
13.	**Registry of Election Finance** Election Campaign Fund (KRS 121A.020)	500	897,400	43,000
14.	**Board of Emergency Medical Services** (KRS 311A.145)	5,000	-0-	-0-
15.	**Governmental Services Center** Agency Restricted Funds	37,900	-0-	-0-
16.	**Kentucky River Authority** (KRS 151.720)	86,400	-0-	-0-
17.	**Accountancy** 19,600 (KRS 325.250)	-0-	-0-	
18.	**Architects** Agency Restricted Funds	6,500	-0-	-0-
19.	**Auctioneers** 9,300 (KRS 330.050 and 330.192)	-0-	-0-	
20.	**Barbering** (KRS 317.530)	5,800	-0-	-0-
21.	**Chiropractic Examiners** Agency Restricted Funds	4,800	-0-	-0-
22.	**Dentistry** (KRS 313.350)	12,600	-0-	-0-
23.	**Embalmers and Funeral Home Directors** Agency Restricted Funds	6,200	-0-	-0-
24.	**Engineers and Land Surveyors** (KRS 322.420)	33,900	-0-	-0-
25.	**Geologists** (KRS 322A.050)	25,000	-0-	-0-
26.	**Hairdressers and Cosmetologists** (KRS 317A.080)	17,600	-0-	-0-
27.	**Interpreters for Deaf and Hard of Hearing** 2,000 (KRS 309.306)	-0-	-0-	
28.	**Landscape Architects** Agency Restricted Funds	1,400	-0-	-0-
29.	**Marriage and Family Therapists**	3,000	-0-	-0-

	(KRS 335.342)			
30.	**Medical Licensure**	60,500	-0-	-0-
	(KRS 311.610)			
31.	**Nursing**			
	Agency Restricted Funds	102,700	-0-	-0-
32.	**Ophthalmic Dispensers**	2,000	-0-	-0-
	(KRS 326.120)			
33.	**Optometric Examiners**	3,900	-0-	-0-
	(KRS 320.360)			
34.	**Pharmacy**	21,700	-0-	-0-
	(KRS 315.195)			
35.	**Physical Therapy**	7,000	-0-	-0-
	(KRS 327.080)			
36.	**Podiatry**	400	-0-	-0-
	(KRS 311.450)			
37.	**Private Investigators**	2,000	-0-	-0-
	(KRS 329A.030)			
38.	**Real Estate Appraisers**	15,800	-0-	-0-
	(KRS 324A.065)			
39.	**Real Estate Commission**	57,600	-0-	-0-
	(KRS 324.286 and 324.410)			
40.	**Speech-Language Pathology and Audiology**	2,200	-0-	-0-
	(KRS 334A.120)			
B.	COMMERCE CABINET			
1.	**Office of the Secretary**			
	Agency Restricted Funds	90,400	-0-	-0-
2.	**Artisans Center**			
	Agency Restricted Funds	30,000	-0-	-0-
3.	**Travel**			
	Agency Restricted Funds	1,700	-0-	-0-
4.	**State Parks**			
	State Parks Fund	1,255,600	-0-	-0-
5.	**Kentucky Horse Park**			
	Kentucky Horse Park Fund	150,300	-0-	-0-
6.	**Kentucky State Fair Board**			
	State Fair Board Fund	500,000	-0-	-0-
7.	**Historical Society**			
	Agency Restricted Funds	14,300	-0-	-0-
8.	**Arts Council**			
	Agency Restricted Funds	17,100	-0-	-0-
9.	**Heritage Council**			
	Agency Restricted Funds	16,200	-0-	-0-
C.	ECONOMIC DEVELOPMENT CABINET			
1.	**Office of the Secretary**			
	Agency Restricted Funds	179,000	-0-	-0-
D.	DEPARTMENT OF EDUCATION			
1.	**Operations and Support Services**			

	Agency Restricted Funds	101,600	-0-	-0-
2.	**Emergency Revolving School Loan Fund**			
	Account	-0-	1,000,000	-0-
	(KRS 160.599)			
3.	**School Districts Flexible Spending**			
	Accounts			
	Agency Restricted Funds	-0-	5,000,000	-0-
4.	**Learning and Results Services**			
	Kentucky Successful Schools Trust Fund	-0-	200,000	-0-
	(KRS 157.067)			
E.	**EDUCATION CABINET**			
1.	**General Administration and**			
	Program Support			
	Agency Restricted Funds	167,400	-0-	-0-
2.	**Office of the Secretary**			
	Agency Restricted Funds	4,000	-0-	-0-
3.	**Kentucky Educational Television**			
	Agency Restricted Funds	33,400	-0-	-0-
4.	**Deaf and Hard of Hearing**			
	Agency Restricted Funds	6,500	-0-	-0-
5.	**Environmental Education Council**			
	Agency Restricted Funds	4,800	-0-	-0-
6.	**Libraries and Archives**			
	Agency Restricted Funds	46,000	-0-	-0-
7.	**Education Professional Standards Board**			
	Agency Restricted Funds	20,700	-0-	-0-
8.	**Technical Education**			
	Agency Restricted Funds	56,000	-0-	-0-
9.	**Vocational Rehabilitation**			
	(KRS 151B.470)	73,900	-0-	-0-
10.	**Unemployment Insurance Penalty**			
	and Interest Account	186,100	-0-	-0-
	(KRS 341.835)			
F.	**ENVIRONMENTAL AND PUBLIC PROTECTION CABINET**			
1.	**Office of the Secretary**			
	Agency Restricted Funds	450,000	-0-	-0-
2.	**Public Protection - General Operations**			
	Agency Restricted Funds	477,700	-0-	-0-
3.	**Athletic Commission**	4,200	-0-	-0-
	(KRS 229.250)			
4.	**Natural Resources**			
	Agency Restricted Funds	97,500	-0-	-0-
5.	**Environmental Protection**	351,400	-0-	-0-
	(KRS 224.20-310 and 224.20-050)			
6.	**Surface Mining**			
	Agency Restricted Funds	145,900	-0-	-0-
7.	**Claims/Crime Victims'**			
	Compensation 1,500	-0-	-0-	

	(KRS 346.185)			
8.	**Alcoholic Beverage Control** (KRS 243.025)	107,400	250,000	250,000
9.	**Financial Institutions** (KRS 287.485)	638,200	320,000	3,107,100
10.	**Insurance** (KRS 304.2-400 and 304.17B-001 to 304.17B-031)	2,116,000	4,289,800	25,128,200
11.	**Insurance** Fire and Tornado Fund (KRS 56.180(2))	-0-	500,000	500,000
12.	**Kentucky Horse Racing Authority** Health and Welfare Fund (KRS 230.361 to 230.375)	49,600	-0-	-0-
13.	**Housing, Buildings and** **Construction** 90,100 (KRS 318.136)	-0-	-0-	
14.	**Mines and Minerals** (KRS 351.110)	36,600	-0-	-0-
15.	**Mines and Minerals** Well Plugging Fund (KRS 353.590(9))	-0-	1,500,000	1,500,000
16.	**Public Advocacy** (KRS 31.211, 189A.050(3)(b))	20,600	-0-	-0-
17.	**Charitable Gaming** (KRS 238.570)	191,200	300,000	300,000
18.	**Petroleum Storage Tank** **Assurance Fund** (KRS 224.60-130 to 224.60-155)	291,200	17,500,000	55,300,000
19.	**Environmental Protection Guaranty Bond** Forfeiture - Interest Bearing (KRS Chapter 350)	-0-	1,000,000	1,000,000
20.	**Environmental Protection** Heritage Land Conservation Fund (KRS 132.020(9) and 146.570)	1,000,000	1,400,000	1,400,000
21.	**Environmental Protection** Waste Tire Fund (KRS Chapter 224)	300,000	300,000	300,000
G.	**FINANCE AND ADMINISTRATION CABINET**			
1.	**General Administration** Agency Restricted Funds	66,700	27,500	-0-
2.	**General Administration** Capital Construction Surplus Fund (KRS 45.775)	-0-	3,088,000	-0-
3.	**General Administration** Capital Construction Investment Income (KRS 42.500)	-0-	13,401,500	7,268,200
4.	**General Administration -Empower KY**			

	Agency Restricted Funds	-0-	57,400	-0-
5.	**Office of the Controller**			
	Agency Restricted Funds	10,400	-0-	-0-
6.	**Department for Administration**			
	Agency Restricted Funds	130,000	-0-	-0-
7.	**Department for Facilities Management Physical Plant**			
	Property Management Fund	702,600	-0-	-0-
8.	**Perry/Knott County Recreational Authority**			
	Red Fox Golf Course Project	-0-	2,609,400	-0-
	(KRS 42.500; 1400-758-REDF; 99-0200-96-096-0096)			
9.	**Commercial Mobile Radio Services - CMRS** -0-	-0-	2,756,000	
	(KRS 65.7627)			
10.	**Revenue**	103,700	-0-	-0-
	(KRS 132.672, 134.400, 154.12-219, and 365.390(2))			
11.	**Property Valuation Administration**	111,600	-0-	-0-
	(KRS 132.590 and 132.597)			
H.	**HEALTH AND FAMILY SERVICES CABINET**			
1.	**General Administration and Program Support**	169,100	-0-	-0-
	(KRS 212.025(2))			
2.	**General Administration and**	**Program Support**		
	Agency Restricted Funds	61,200	-0-	-0-
3.	**Children with Special Health Care Needs** 440,900	-0-	-0-	
	(KRS 212.025(2))			
4.	**Children with Special Health**	**Care Needs - Tobacco**		
	Tobacco Fund 49,000	-0-	-0-	
	(KRS 200.151)			
5.	**Medicaid - Administration**			
	Agency Restricted Funds	520,200	-0-	-0-
6.	**Mental Health and Mental Retardation Services**	4,438,600	-0-	-0-
	(KRS 212.025(2))			
7.	**Public Health** 1,647,900	261,700	358,800	
	(KRS 212.025(2) and 213.141(3))			
8.	**Certificate of Need**	4,100	-0-	-0-
	(KRS 212.025(2))			
9.	**Aging Services**	19,000	-0-	-0-
	(KRS 212.025(2))			
10.	**Disability Determinations**			
	Agency Restricted Funds	1,600	-0-	-0-
11.	**Community Based Services**			
	Agency Restricted Funds	5,087,900	-0-	-0-
I.	**JUSTICE AND PUBLIC SAFETY CABINET**			

1.	**Justice Administration**			
	Agency Restricted Funds	37,400	144,500	144,500
2.	**State Police**			
	Agency Restricted Funds	292,900	-0-	-0-
3.	**Juvenile Justice**			
	Agency Restricted Funds	392,300	-0-	-0-
4.	**Kentucky Law Enforcement Foundation Program Fund**	922,100	15,500,000	14,000,000
	(KRS 15.430)			
5.	**Corrections Management**			
	Agency Restricted Funds	502,200	-0-	-0-
6.	**Corrections - Community Services and Local Facilities**			
	Agency Restricted Funds	8,400	-0-	-0-
J.	**POSTSECONDARY EDUCATION**			
1.	**Council on Postsecondary Education**			
	Agency Restricted Funds	133,000	-0-	-0-
2.	**Technology Initiative Trust Fund**	132,900	-0-	-0-
	(KRS 164.7911 to 164.7921)			
3.	**Eastern Kentucky University**			
	Agency Restricted Funds	2,415,700	-0-	-0-
4.	**Kentucky State University**			
	Agency Restricted Funds	586,600	-0-	-0-
5.	**Morehead State University**			
	Agency Restricted Funds	1,501,300	-0-	-0-
6.	**Murray State University**			
	Agency Restricted Funds	1,632,900	-0-	-0-
7.	**Northern Kentucky University**			
	Agency Restricted Funds	1,951,600	-0-	-0-
8.	**University of Louisville**			
	Agency Restricted Funds	4,400,000	-0-	-0-
9.	**Western Kentucky University**			
	Agency Restricted Funds	2,381,600	-0-	-0-
10.	**Kentucky Community and Technical College System**			
	Agency Restricted Funds	5,865,600	-0-	-0
11.	**Kentucky Higher Education Assistance Authority**	-0-	500,000	500,000
	(KRS 164A.010 to KRS 164A.240)			
12.	**Firefighters Foundation Program Fund**	-0-	9,000,000	3,500,000
	(KRS 95A.220)			
K.	**TRANSPORTATION CABINET**			
1.	**General Administration and Support**			
	Fleet Management Fund	1,374,100	5,000,000	1,000,000
2.	**Air Transportation**			
	Kentucky Aviation Economic Development Fund	700,000	-0-	-0-

	(KRS 183.525(3), (4), and (5))			
L.	**LEGISLATIVE BRANCH**			
	Kentucky Long-Term Policy Research Center			
	Agency Restricted Funds	-0-	500,000	-0-
TOTAL - FUNDS TRANSFER		50,046,200	92,227,200	123,262,700

PART VI

GENERAL FUND BUDGET REDUCTION PLAN

Pursuant to KRS 48.130 and 48.600, a General Fund Budget Reduction Plan is enacted for state government in the event of an actual or projected deficit in estimated General Fund revenue receipts of $7,171,300,000 in fiscal year 2004-2005 and $7,475,900,000 in fiscal year 2005-2006 as modified by related Acts and actions of the General Assembly in an extraordinary or regular session. Direct services, obligations essential to the minimum level of constitutional functions, and other items that may be specified in this Act, are exempt from the requirements of this Plan. Each branch head shall prepare a specific plan to address a proportionate share of the General Fund revenue shortfall applicable to the respective branch. No budget revision action shall be taken by a branch head in excess of the actual or projected deficit.

The Governor, the Chief Justice, and the Legislative Research Commission shall direct and implement reductions in allotments and appropriations only for their respective branch budget units as may be necessary as well as take other measures which shall be consistent with the provisions of this Part and general branch budget bills.

In the event of a revenue shortfall under the provisions of KRS 48.120, General Fund budget reduction actions shall be implemented in the following sequence:

(1) The Local Government Economic Assistance and the Local Government Economic Development Funds shall be adjusted by the Secretary of the Finance and Administration Cabinet to equal revised estimates of receipts pursuant to KRS 42.4582 as modified by the provisions of this Act.

(2) Transfers of excess unappropriated and unbudgeted Restricted Funds other than fiduciary funds shall be applied as determined by the head of each branch for its respective budget units.

(3) Excess General Fund appropriations which accrue as a result of personnel vacancies and turnover, and reduced requirements for operating expenses, grants, and capital outlay shall be determined and applied by the heads of the executive, judicial, and legislative departments of state government for their respective branches. The branch heads shall certify the available amounts which shall be applied to budget units within the respective branches and shall promptly transmit the certification to the Secretary of the Finance and Administration Cabinet and the Legislative Research Commission. The Secretary of the Finance and Administration Cabinet shall execute the certified actions as transmitted by the branch heads.

Branch heads shall take care, by their respective actions, to protect, preserve, and advance the fundamental health, safety, legal and social welfare, and educational well-being of the citizens of the Commonwealth.

(4) Funds available in the Budget Reserve Trust Fund shall be applied in an amount not to exceed 25 percent of the trust fund balance in fiscal year 2004-2005 and 50 percent of the trust fund balance in fiscal year 2005-2006.

(5) Notwithstanding the provisions of KRS 48.130 and 48.600, if the actions contained in subsections (1) to (4) of this section are insufficient to eliminate an actual or projected revenue shortfall in the enacted General Fund revenue receipts, then the Governor is empowered and directed to take necessary actions with respect to the Executive Branch budget units to balance the budget by such actions conforming with the criteria expressed in the preceding subsection.

PART VII

GENERAL FUND SURPLUS EXPENDITURE PLAN

1. Pursuant to KRS 48.700 and notwithstanding KRS 48.140, there is established a plan for the expenditure of General Fund surplus moneys pursuant to a General Fund Surplus Expenditure Plan contained in this Part for fiscal years 2004-2005 and 2005-2006. Pursuant to the enactment of the Surplus Expenditure Plan, General Fund moneys in the General Fund undesignated fund balance in excess of the amount determined in Part III, section (36), are appropriated for the purposes and in the priority sequence as follows: (1) Teacher salary funding support to public school districts in an amount sufficient to provide for the recurring impact in fiscal year 2005-2006 of the one and one-half percent pay increase provided by school districts in fiscal year 2004-2005 to the extent that amount is not already provided in this bill. The appropriate amount shall be calculated by the State Budget Director in consultation with the Commissioner of the Department of Education and the Secretary of the Education Cabinet. In the event that insufficient General Fund Surplus moneys are realized after the close of fiscal year 2003-2004 and fiscal year 2004-2005, the amount calculated as necessary by the State Budget Director shall be reserved and appropriated from the Budget Reserve Trust Fund for expenditure in fiscal year 2005-2006; (2) increased funding of $2,000,000 in fiscal year 2004-2005 and $2,000,000 in fiscal year 2005-2006 to the Read to Achieve program in the Department of Education; and (3) Increased support to the Budget Reserve Trust Fund up to the amount necessary to provide a balance equaling five percent of actual General Fund revenues for fiscal year 2003-2004 and fiscal year 2004-2005, respectively.

At the request of the Governor, the Secretary of the Health and Family Services Cabinet shall certify to the Governor and

State Budget Director the total of the projected deficit in Medicaid benefit expenses during fiscal years 2003-2004, 2004-2005, and 2005-2006 and the corresponding amount of affected state funds. Notwithstanding KRS 48.705, the Governor may direct that moneys available in the Budget Reserve Trust Fund be allotted to the Medicaid Benefits budget unit to match Federal Funds in order to alleviate the projected deficit in either fiscal year. Official actions taken under the provisions of this paragraph shall be reported to the Interim Joint Committee on Appropriations and Revenue at the time of each action.

2. The Secretary of the Finance and Administration Cabinet shall determine, within 30 days after the close of the fiscal year 2003-2004, and the close of fiscal year 2004-2005, based on the official financial records of the Commonwealth, the amount of actual General Fund undesignated fund balance for the General Fund Surplus Account that may be available for expenditure pursuant to the Plan respectively in fiscal year 2004-2005 and fiscal year 2005-2006.

The Secretary of the Finance and Administration Cabinet shall certify the amount of actual General Fund undesignated fund balance available for expenditure to the Legislative Research Commission.

Subsequent to June 30, 2004, and June 30, 2005, funds that are certified as being available in the actual General Fund undesignated fund balance for the General Fund Surplus Account are appropriated respectively for expenditure in fiscal year 2004-2005 and fiscal year 2005-2006 pursuant to the Plan.

PART VIII

ROAD FUND BUDGET REDUCTION PLAN

There is established a Road Fund Budget Reduction Plan for fiscal year 2004-2005 and fiscal year 2005-2006. Notwithstanding KRS 48.130, in the event of an actual or projected shortfall in estimated Road Fund revenue receipts of $1,141,409,100 in fiscal year 2004-2005 and $1,162,506,700 in fiscal year 2005-2006 as determined by KRS 48.120(3), the Governor shall implement sufficient reductions as may be required to protect the highest possible level of service. No budget revision action shall be taken in excess of the actual or projected deficit.

PART IX

ROAD FUND SURPLUS EXPENDITURE PLAN

Notwithstanding KRS 48.140 and pursuant to KRS 48.710, there is established a plan of expenditures from the Road Fund Surplus Account. All moneys in the Road Fund Surplus Account shall be deposited in the State Construction Account and utilized to support projects in the fiscal biennium 2004-2006 Biennial Highway Construction Program.

PART X

PHASE I TOBACCO SETTLEMENT

(1) **General Purpose:** Part X of this Act prescribes the policy implementing aspects of the national settlement agreement between the tobacco industry and the collective states as described in KRS 248.701 to 248.727. In furtherance of that agreement, the General Assembly recognizes that the Commonwealth of Kentucky is a party to the Phase I Master Settlement Agreement (MSA) between the Participating Tobacco Manufacturers and 46 Settling States which provides reimbursement to states for smoking-related expenditures made over time.

(2) **State's MSA Share:** The Commonwealth's share of the MSA is equal to 1.7611586 percent of the total settlement amount. Payments under the MSA were made to the states in January and April of each year through 2003 and will be made annually in January thereafter.

(3) **MSA Payment Amount Variables:** The total settlement amount to be distributed each payment date is subject to change pursuant to several variables provided in the MSA, including inflation adjustments, volume adjustments, previously settled states adjustments, and the nonparticipating manufacturers adjustment.

(4) **Distinct Identity and Carry Forward of MSA Payment Deposits:** The General Assembly has determined that it shall be the policy of the Commonwealth that all Phase I Tobacco Settlement payments shall be deposited to the credit of the General Fund and shall maintain a distinct identity as Phase I Tobacco Settlement payments that shall not lapse to the credit of the General Fund surplus, but shall continue forward from each fiscal year to the next fiscal year to the extent that any balance is unexpended.

(5) **MSA Payment Estimates and Adjustments:** Based on the current estimates as reviewed by the Consensus Revenue Forecasting Group, the amount of MSA payments expected to be received in fiscal year 2004-2005 is $108,800,000 and in fiscal year 2005-2006 is $108,600,000. It is recognized that payments to be received by the Commonwealth are estimated and are subject to change. Any appropriations made from the estimated receipts are subject to adjustments based on actual receipts as received and certified by the Secretary of the Finance and Administration Cabinet.

a. **State Enforcement:** Notwithstanding KRS 248.654, a total of $175,000 of the MSA payments received each fiscal year of the 2004-2006 biennium is appropriated to the Finance and Administration Cabinet, Department of Revenue for the state's enforcement of noncompliant nonparticipating manufacturers.

b. **Agricultural Development Initiatives:** Fifty percent of the MSA payments, less the above enforcement appropriations, received in fiscal year 2004-2005, estimated to be $54,312,500, and in fiscal year 2005-2006, estimated to be $54,212,500, is appropriated to the Kentucky Agricultural Development Fund to be used for agricultural development initiatives as specified below.

c. **Early Childhood Development Initiatives:** Twenty-five percent of the MSA payments, less the above enforcement appropriations, received in fiscal year 2004-2005, estimated to be $27,156,200, and in fiscal year 2005-2006, estimated to be $27,106,200, is appropriated for Early Childhood Development Initiatives as specified below.

d. **Health Care Initiatives:** Twenty-five percent of the MSA payments received, less the above enforcement appropriations, in fiscal year 2004-2005, estimated to be $27,156,300, and in fiscal year 2005-2006, estimated to be $27,106,300, is appropriated to the Kentucky Health Care Improvement Fund for health care initiatives as specified below.

A. STATE ENFORCEMENT

GENERAL FUND - PHASE I TOBACCO SETTLEMENT FUNDS

1. FINANCE AND ADMINISTRATION CABINET

Budget Unit	**2004-05**	**2005-06**
a. Revenue	175,000	175,000

B. AGRICULTURAL DEVELOPMENT APPROPRIATIONS

GENERAL FUND - PHASE I TOBACCO SETTLEMENT FUNDS

1. GENERAL GOVERNMENT

Budget Unit	**2004-05**	**2005-06**
a. Governor's Office of Agricultural Policy	39,100,800	34,007,400

(1) **Tobacco Settlement Funds - Allocations:** Notwithstanding KRS 248.711(2), and from the allocation provided therein, counties that are allocated in excess of $20,000 annually may provide up to four percent of the individual county allocation, not to exceed $15,000 annually, to the county council in that county for administrative costs.

(2) **Environmental Stewardship Program:** The above General Fund (Tobacco) appropriation includes $4,000,000 in fiscal year 2004-2005 and $4,000,000 in fiscal year 2005-2006 for grants for the Environmental Stewardship Program in the Governor's Office of Agricultural Policy. The Environmental Stewardship Program shall not be limited from applying for or receiving additional grants from the Agricultural Development Board.

b. Kentucky Infrastructure Authority	-0-	5,000,000

(1) **Debt Service:** Notwithstanding KRS 248.703(2)(b)2., and from the allocation provided therein, included in the above appropriation is $5,000,000 in fiscal year 2005-2006 for debt service for the Infrastructure for Economic Development Fund for Tobacco Counties provided in Part II, Capital Projects Budget. All necessary debt service amounts shall be appropriated from the General Fund and shall be fully paid regardless of whether there are sufficient moneys available to be transferred from tobacco supported funding program accounts to other accounts of the General Fund. Future debt service payments for the Infrastructure for Economic Development Fund for Tobacco Counties shall be provided from the General Fund.

2. ENVIRONMENTAL AND PUBLIC PROTECTION CABINET

Budget Unit	**2004-05**	**2005-06**
a. Natural Resources - Conservation	5,000,000	5,000,000

(1) **Environmental Stewardship Program:** Included in the above General Fund (Tobacco) appropriation is $5,000,000 in each fiscal year for the Environmental Stewardship Program. Applicants to the Environmental Stewardship Program shall be eligible to apply for additional grants from the Agricultural Development Board.

3. FINANCE AND ADMINISTRATION CABINET

Budget Unit	**2004-05**	**2005-06**
a. Debt Service	10,211,700	10,205,100

(1) **Debt Service:** To the extent that revenues sufficient to support the required debt service appropriations are received from the Tobacco Settlement Program, those revenues shall be made available from those accounts to the appropriate account of the General Fund. All necessary debt service amounts shall be appropriated from the General Fund and shall be fully paid regardless of whether there is a sufficient amount available to be transferred from tobacco supported funding program accounts to other accounts of the General Fund.

TOTAL - AGRICULTURAL APPROPRIATIONS	54,312,500	54,212,500

C. EARLY CHILDHOOD DEVELOPMENT

GENERAL FUND - PHASE I TOBACCO SETTLEMENT FUNDS

1. EDUCATION CABINET

Budget Unit	**2004-05**	**2005-06**
a. Learning and Results Services	1,888,400	1,888,400

2. HEALTH AND FAMILY SERVICES CABINET

Budget Units	**2004-05**	**2005-06**
a. Community Based Services	8,300,400	8,300,400

(1) **Early Childhood Development Program and Child Advocacy Centers:** Included in the above General Fund

(Tobacco) appropriation is $8,120,400 in fiscal year 2004-2005 and $8,120,400 in fiscal year 2005-2006 for the Early Childhood Development Program, and $180,000 in fiscal year 2004-2005 and $180,000 in fiscal year 2005-2006 for Child Advocacy Centers.

b.	Public Health	13,712,400	13,662,400

(1) HANDS Program, Healthy Start, Universal Children's Immunizations, Folic Acid Program, Early Childhood Mental Health, and Early Childhood Oral Health: Included in the above General Fund (Tobacco) appropriation is $7,599,900 in each fiscal year for the Health Access Nurturing Development Services (HANDS) Program; $2,000,000 in each fiscal year for Healthy Start initiatives; $2,000,000 in each fiscal year for Universal Children's Immunizations; $900,000 in each fiscal year for the Folic Acid Program; $875,000 in each fiscal year for Early Childhood Mental Health; and $337,500 in fiscal year 2004-2005 and $287,500 in fiscal year 2005-2006 for Early Childhood Oral Health.

c.	Mental Health and Mental Retardation Services Services	900,000	900,000

(1) Substance Abuse Prevention and Treatment: Included in the above General Fund (Tobacco) appropriation is $900,000 in each fiscal year for substance abuse prevention and treatment.

d.	Commission for Children with Special Health Care Needs	1,455,000	1,455,000

(1) Universal Newborn Hearing Screening, Vision Screening, and Kentucky Early Intervention Services First Steps Program: Included in the above General Fund (Tobacco) appropriation is $450,000 in each fiscal year for Universal Newborn Hearing Screening; $5,000 in each fiscal year for Vision Screening; and $1,000,000 each fiscal year for the Kentucky Early Intervention Services First Steps Program.

3. POSTSECONDARY EDUCATION

Budget Unit		**2004-05**	**2005-06**
a.	Kentucky Higher Education Assistance Authority	900,000	900,000

(1) Early Childhood Scholarships: Included in the above General Fund (Tobacco) appropriation is $900,000 in fiscal year 2004-2005 and $900,000 in fiscal year 2005-2006 for Early Childhood Scholarships.

TOTAL - EARLY CHILDHOOD APPROPRIATIONS	27,156,200	27,106,200

D. HEALTH CARE IMPROVEMENT APPROPRIATIONS

GENERAL FUND - PHASE I TOBACCO SETTLEMENT FUNDS

Notwithstanding KRS 304.17B-003(5), appropriations for health care improvement shall be as follows:

1. ENVIRONMENTAL AND PUBLIC PROTECTION CABINET

Budget Unit		**2004-05**	**2005-06**
a.	Insurance	16,782,600	16,751,700

(1) Kentucky Access Program: Included in the above General Fund (Tobacco) appropriation is $16,782,600 in fiscal year 2004-2005 and $16,751,700 in fiscal year 2005-2006 for the Kentucky Access Program.

2. HEALTH AND FAMILY SERVICES CABINET

Budget Unit		**2004-05**	**2005-06**
a.	Public Health	2,715,600	2,710,600

(1) Smoking Cessation Program: Included in the above General Fund (Tobacco) appropriation is $2,715,600 in fiscal year 2004-2005 and $2,710,600 in fiscal year 2005-2006 for the Smoking Cessation Program.

3. JUSTICE AND PUBLIC SAFETY CABINET

Budget Unit		**2004-05**	**2005-06**
a..	Kentucky Agency for Substance Abuse Policy	2,226,800	2,222,700

4. POSTSECONDARY EDUCATION

Budget Unit		**2004-05**	**2005-06**
a.	Council on Postsecondary Education	5,431,300	5,421,300

TOTAL - HEALTH CARE APPROPRIATIONS	27,156,300	27,106,300
TOTAL - PHASE I TOBACCO SETTLEMENT FUNDING PROGRAM	108,800,000	108,600,000

PART XI

STATE/EXECUTIVE BRANCH BUDGET SUMMARY

OPERATING BUDGET

		2003-04	2004-05	2005-06
General Fund - Tobacco		-0-	108,800,000	108,600,000
General Fund	4,685,000	7,127,608,500	7,381,434,200	
Restricted Funds		67,512,500	3,984,140,100	4,120,820,200
Federal Funds	60,845,500	6,468,501,200	6,413,505,100	
Road Fund		-0-	1,135,160,100	1,158,258,700
Bond Funds	-0-	200,000,000	-0-	
SUBTOTAL	133,043,000	19,024,209,900	19,182,618,200	

CAPITAL PROJECTS BUDGET

		2003-04	2004-05	2005-06
General Fund	-0-	200,000	8,200,000	
Restricted Funds		-0-	1,761,598,000	122,571,700
Federal Funds	563,000	181,793,700	60,964,000	
Road Fund		-0-	6,249,000	4,248,000
Bond Funds	5,500,000	891,234,600	5,000,000	
Agency Bonds	-0-	162,175,000	-0-	
Capital Construction Surplus		-0-	880,000	63,000
Investment Income		400,000	20,373,200	12,626,800
Other Funds	-0-	28,100,000	4,300,000	
SUBTOTAL	6,463,000	3,052,603,500	217,973,500	

TOTAL - STATE/EXECUTIVE BUDGET

		2003-04	2004-05	2005-06.
General Fund - Tobacco		-0-	108,800,000	108,600,000
General Fund	4,685,000	7,127,808,500	7,389,634,200	
Restricted Funds		67,512,500	5,745,738,100	4,243,391,900
Federal Funds	61,408,500	6,650,294,900	6,474,469,100	
Road Fund		-0-	1,141,409,100	1,162,506,700
Bond Funds	5,500,000	1,091,234,600	5,000,000	
Agency Bonds	-0-	162,175,000	-0-	
Capital Construction Surplus		-0-	880,000	63,000
Investment Income		400,000	20,373,200	12,626,800
Other Funds	-0-	28,100,000	4,300,000	
TOTAL FUNDS		139,506,000	22,076,813,400	19,400,591,700

The above capital projects are directly funded in Part II, Capital Projects Budget, of this Act.

PART XII

DEBTS OWED THE COMMONWEALTH

Notwithstanding KRS 48.310, the following statutes are amended or created to read as follows, and shall have permanent effect subject to future actions by the General Assembly:

SECTION 1. A NEW SECTION OF KRS CHAPTER 45 IS CREATED TO READ AS FOLLOWS:

As used in Sections 1 to 5 of this Part:

(1) "Debt" means a sum certain which has been certified by an agency as due and owing;

(2) (a) "Liquidated debt" means a legal debt for a sum certain which has been certified by an agency as final due and owing, all appeals and legal actions having been exhausted; and

(b) For the Court of Justice "liquidated debt" means a legal debt, including any fine, fee, court costs, or restitution due the Commonwealth, which have been imposed by a final sentence of a trial court of the Commonwealth and for which the time permitted for payment pursuant to the provisions of KRS 23A.205(3) or 24A.175(4) has expired;

(3) "Improper payment" means a payment made to a vendor, provider, or recipient due to error, fraud, or abuse;

(4) "Agency" means an organizational unit or administrative body in the executive branch of state government, as defined in KRS 12.010;

(5) "Cabinet" means the Revenue Cabinet;

(6) "Court of Justice" means the Administrative Office of the Courts, all courts, and all clerks of the courts; and

(7) "Forgivable loan agreement" means a loan agreement entered into between an agency and a borrower that establishes specific conditions, which, if satisfied by the borrower, allows the agency to forgive a portion or all of the loan.

SECTION 2. A NEW SECTION OF KRS CHAPTER 45 IS CREATED TO READ AS FOLLOWS:

(1) The Finance and Administration Cabinet shall develop for the executive branch of state government a system of internal controls and preaudit policies and procedures applicable to disbursement transactions for the purpose of prevention and detection of errors or fraud and abuse prior to the issuance of a check or warrant. The initial policies and procedures shall be established and implemented no later than October 1, 2004, and shall focus first on programs or activities that expend the most federal and general fund dollars. The Finance and Administration Cabinet shall develop preaudit procedures that meet the unique needs of each cabinet.

(2) In establishing these systems of internal control and preaudit policies and procedures, the Finance and Administration Cabinet shall:

(a) Consult with each cabinet within the executive branch to ascertain its unique fraud risks;

(b) Establish policies and procedures for cabinet-level oversight of fraud risks, including risk assessment, risk tolerance and management policies, and fraud-prevention processing controls;

(c) Establish systems and procedures for detecting both unintentional errors and fraudulent misrepresentations that may have occurred in vendor invoices submitted for payment, applications submitted for benefits, claims for refunds of amounts previously paid or withheld and other disbursements;

(d) Establish systems and procedures for preventing and detecting unintentional errors and the fraudulent disbursement of funds by state government employees in the processing, approving and paying of invoices, refunds, vouchers, benefit payments and other disbursements; and

(e) Consult with the state Auditor of Public Accounts, the Office of Information Technology, the American Institute of Certified Public Accountants, the Association of Certified Fraud Examiners, law enforcement agencies, or any other entity with knowledge and expertise in the detection and prevention of fraud.

(3) For those agencies without statutory procedures for collecting debts, the Revenue Cabinet shall promulgate administrative regulations in accordance with KRS Chapter 13A to prescribe standards and procedures with which those agencies shall comply regarding collection of debts, notices to persons owing debt, information to be monitored concerning the debts, and an appeals process.

SECTION 3. A NEW SECTION OF KRS CHAPTER 45 IS CREATED TO READ AS FOLLOWS:

(1) The Court of Justice shall initiate, by October 1, 2004, fully implement by October 1, 2005, and thereafter maintain a system for tracking and identifying legal debts, including fines, fees, court costs and restitution due the Commonwealth.

(2) The Court of Justice shall establish and operate a system for collecting legal debts, including fines, fees, court costs and restitution due the Commonwealth.

(3) In establishing the systems required by this section, the Court of Justice shall consider technology that could assist in the accurate, timely, and efficient delivery of payments of legal debts including fines, fees, court costs and restitution due the Commonwealth.

(4) The Court of Justice, Justice Cabinet, and the Revenue Cabinet shall collaborate to implement a system, if feasible, to identify and collect legal debts including fines, fees, court costs and restitution due the Commonwealth in existence prior to the implementation date of the system required by subsection (1) of this Section. Confidential information shared among these entities to identify and collect debts shall not be divulged to any unauthorized person. Debts collected under this subsection shall be reported annually and designated separately as part of the report required pursuant to Section 5 of this Part beginning on October 1, 2005, and ending with the report filed on or before October 1, 2009.

SECTION 4. A NEW SECTION OF KRS CHAPTER 45 IS CREATED TO READ AS FOLLOWS:

(1) Each agency and the Court of Justice shall develop, maintain, and update in a timely manner an ongoing inventory of each debt owed to it, including debts due to improper payments, and shall make every reasonable effort to collect each debt. Within sixty (60) days after the identification of a debt, each agency shall begin administrative action to collect the debt.

(2) The Auditor of Public Accounts shall review each agency's debt identification and collection procedures as part of the annual audit of state agencies.

(3) An agency shall not forgive any debt owed to it unless that agency has entered into a forgivable loan agreement with a borrower, or unless otherwise provided by statute.

(4) Each agency and the Court of Justice shall identify all liquidated debts, including liquidated debts due to improper payments, and shall submit a list of those liquidated debts in the form and manner prescribed by the cabinet to the cabinet for review. The cabinet shall review the information submitted by the agencies and the Court of Justice and shall, within ninety (90) days of receipt of the information, determine whether it would be cost-effective for the cabinet to further pursue collection of the liquidated debts.

(a) The cabinet may, after consultation with the agency or the Court of Justice, return the liquidated debt to the entity submitting the liquidated debt if:

1. The request for review contains insufficient information; or

2. The debt is not feasible to collect.

Any return of a liquidated debt shall be in writing, and shall state why the debt is being returned.

(b) The cabinet shall identify in writing, to the submitting agency or the Court of Justice, the liquidated debts it has determined that it can pursue in a cost-effective manner, and the agency or Court of Justice shall officially refer the identified liquidated debts to the cabinet for collection.

(c) The agency and the Court of Justice shall retain a complete record of all liquidated debts referred to the cabinet for collection until the debt is collected or forgiven.

(d) Each agency and the Court of Justice shall make appropriate accounting of any uncollected debt as prescribed by law.

(5) (a) If the agency recovers the debt funds prior to referral to the cabinet, the agency shall retain the collected funds in accordance with its statutory authority.

(b) Upon referral of a liquidated debt to the Revenue Cabinet, the liquidated debt shall accrue interest from the time of referral until paid, and a twenty-five percent (25%) cost of collection fee shall attach unless the interest and cost of collection fee are waived by the Revenue Cabinet. The cost of collection fee and interest shall be in addition to any other costs accrued prior to the time of referral. The cabinet may deduct and retain from the liquidated debt recovered an amount equal to the lesser of the cost of collection fee or the actual expenses incurred in the collection of the debt. Any funds recovered by the cabinet after the deduction of the cabinet's cost of collection expenses shall be deposited in the general fund, except for Medicaid benefits funds and funds required by law to be remitted to a federal agency, which shall be remitted as required by law.

(c) Nothing in this section shall prohibit the Revenue Cabinet from entering into a memorandum of agreement with an agency pursuant to subsection (11) of Section 11 of this Part, for collection of debts prior to liquidation. If an agency enters into an agreement with the cabinet, the agency shall retain funds collected according to the provisions of the agreement.

(d) This section shall not affect any agreement between the cabinet and an agency entered into under subsection (11) of Section 11 of this Part that is in effect on the effective date of this Act and provides for the collection of liquidated debts by the cabinet on behalf of the agency.

(e) This section shall not affect the collection of delinquent taxes by county attorneys under KRS 134.500.

(6) Upon receipt of a referred liquidated debt and after its determination that the debt is feasible and cost-effective to collect, the Revenue Cabinet shall pursue collection of the referred debt in accordance with Section 9 of this Part.

(7) At the time of submission of a liquidated debt to the Revenue Cabinet for review, the referring agency or the Court of Justice shall provide information about the debt to the State Treasurer for the Treasurer's action under subsection (1) of Section 7 of this Part.

(8) By administrative regulation promulgated under KRS Chapter 13A, the Revenue Cabinet shall prescribe the electronic format and form of, and the information required in, a referral.

SECTION 5. A NEW SECTION OF KRS CHAPTER 45 IS CREATED TO READ AS FOLLOWS:

The Revenue Cabinet shall report annually by October 1 to the Legislative Research Commission on the collection of debts, including debts due to improper payments. The report shall include:

(1) (a) The total amount of liquidated debt that has been referred to the cabinet by agency and by fund type;

(b) The amount of each referring agency's liquidated debt that has been collected by the cabinet by fund type and category; and

(c) The total amount of each referring agency's liquidated debt, by fund type and category, that the cabinet determined to be cost-ineffective to collect, including the reasons for the determinations.

(2) Each cabinet shall report annually by October 1 of each year to the Interim Joint Committee on Appropriations and Revenue on:

(a) The amount of previous fiscal year unliquidated debt by agency, including debts due to improper payments, fund type, category, and age, the latter to be categorized as less than one (1) year, less than five (5) years, less than ten (10) years, and over ten (10) years; and

(b) The amount, by agency, of liquidated debt not referred to the Revenue Cabinet, including debts due to improper

payments; a summary, by criteria listed in paragraph (a) of subsection (4) of Section 4 of this Part, of the reasons the Revenue Cabinet provided for not requesting referral of those liquidated debts; and a summary of the actions that each agency is taking to collect those liquidated debts.

(3) Beginning on October 1, 2005, the Court of Justice shall report annually by October 1 to the Interim Joint Committee on Appropriations and Revenue the amount of previous fiscal year unliquidated debt by county; and by fund type and age, the latter categorized as less than one (1) year, less than five (5) years, and less than ten (10) years. The first year for which the Court of Justice shall be required to report is the fiscal year beginning on July 1, 2004, and ending on June 30, 2005. The Court of Justice shall not be required to report unliquidated debts in existence prior to July 1, 2004.

(4) The Finance and Administration Cabinet shall report annually by October 1 to the Interim Joint Committee on Appropriations and Revenue on the amount of the General Government Cabinet's unliquidated debt by agency, fund type, and age, the latter categorized as less than one (1) year, less than five (5) years, less than ten (10) years, and over ten (10) years.

Section 6. KRS 15.060 is amended to read as follows:

Upon written request of the Revenue Cabinet, the Attorney General shall:

(1) With the assistance of the Auditor of Public Accounts and the Revenue Cabinet, investigate the condition of ***any***[~~all~~] unsatisfied ***claim, demand, account, and judgment***[~~claims, demands, accounts and judgments~~] in favor of the Commonwealth.

(2) When he believes that any fraudulent, erroneous or illegal fee bill, account, credit, charge or claim has been erroneously or improperly approved, allowed or paid out of the Treasury to any person, institute the necessary actions to recover the same. To this end he may employ assistants and experts to assist in examining the fee bills, accounts, settlements, credits and claims, and the books, records and papers of any of the officers of the Commonwealth.

(3) Institute the necessary actions to collect and cause the payment into the Treasury of all unsatisfied claims, demands, accounts and judgments in favor of the Commonwealth, except where specific statutory authority is given the Revenue Cabinet to do so.

(4) Comply with KRS 48.005, if any funds of any kind or nature whatsoever are recovered by or on behalf of the Commonwealth, in any legal action, including an ex rel. action in which the Attorney General has entered an appearance or is a party under statutory or common law authority.

Section 7. KRS 44.030 is amended to read as follows:

(1) No money shall be paid to any person on a claim against the state in his own right, or as an assignee of another, when he or his assignor is indebted to the state. The claim, to the extent it is allowed, shall be credited to the account of the person so indebted, and if there is any balance due him after settling the whole demand of the state ***that***[~~such~~] balance shall be paid to him.

(2) The Finance and Administration Cabinet shall provide the Cabinet for Families and Children with a quarterly report of all tort claims made against the state by individuals that the Cabinet for Families and Children shall compare with the child support database to match individuals who have a child support arrearage and may receive a settlement from the state.

(3) Each organizational unit and administrative body in the executive branch of state government, as defined in KRS 12.010, and the Court of Justice in the judicial branch of state government shall provide information to the State Treasurer concerning any debt it has referred to the Revenue Cabinet for collection under Section 4 of this Part.

Section 8. KRS 45.240 is amended to read as follows:

(1) Whenever any payment from public money is made in error, or for an amount in excess of the amount found to be properly due and payable, and the payment or excess amount is[~~ later~~] recovered ***and returned to the paying agency***, the balance ***of***[~~in~~] the appropriation from which the payment was made shall be increased by the amount recovered, and the amount recovered shall be deducted from the disbursements from that appropriation.

(2) If the payment or excess amount which is later recovered is in the form of an unnegotiated State Treasurer's check, ***the***[~~said~~] check shall be transmitted[~~ direct~~] to the State Treasurer who shall void it. After voiding the check, the State Treasurer shall notify the appropriate agency of the action taken concerning the check.

Section 9. KRS 131.030 is amended to read as follows:

(1) The Revenue Cabinet shall exercise all administrative functions of the state in relation to the state revenue and tax laws, the licensing and registering of motor vehicles, the equalization of tax assessments, the assessment of public utilities and public service corporations for taxes, the assessment of franchises, the supervision of tax collections, and the enforcement of revenue and tax laws, either directly or through supervision of tax administration activity in other departments to which the Revenue Cabinet may commit administration of certain taxes.

(2) The Revenue Cabinet shall have all the powers and duties with reference to assessment or equalization of the assessment of property heretofore exercised or performed by any state board or commission.

(3) The Revenue Cabinet shall have all the powers and duties necessary to consider and settle tax cases under KRS 131.110 and refund claims made under KRS 134.580. The Revenue Cabinet is encouraged to settle controversies on a fair and

equitable basis and shall be authorized to settle tax controversies based on the hazards of litigation applicable to them.

(4) The Revenue Cabinet shall have all the powers and duties necessary to collect any debts owed to the Commonwealth that are referred to the cabinet by an organizational unit or administrative body in the executive branch of state government, as defined in KRS 12.010, and by the Court of Justice in the judicial branch of state government under Section 4 of this Part.

Section 10. KRS 131.565 is amended to read as follows:

(1) ***For purposes of this section, "state agency" or "state agencies" shall include the Court of Justice as defined in Section 1 of this Part.***

(2) No state agency shall request the withholding of any individual income tax refund unless there is specific[~~ statutory~~] provision ***in statute or administrative regulation*** for debtor appeal and hearing rights for that particular debt.

(3)[~~(2)~~] State agencies ***having the statutory and regulatory provisions described in subsection (2) of this section shall***[~~desiring to~~] establish claims against Kentucky individual income tax refunds ***by notifying***[~~shall notify~~] the secretary of revenue in writing[~~ of such intention~~] by a date established by the Revenue Cabinet and, by ***dates agreed to by the Revenue Cabinet and each state agency***[~~the following December 31~~], shall furnish a list of all liquidated debts due the agency for which withholding is ***required***[~~requested~~] for individual income tax refunds due to be paid ***to the debtor of the claimant agency***[~~during the next calendar year~~]. ***This***[~~Such~~] list shall be submitted in such form and contain such information as may be required by the secretary of revenue to facilitate identification of the refunds to be withheld. As used in this section the term "liquidated debt" means a legal debt for a sum certain, which has been certified by the claimant agency as final due and owing. The claimant agency must have made reasonable efforts to collect such debt, and must have provided the debtor the opportunity for appeal and formal hearing as provided by statute. The claimant agency ***shall***[~~must~~] send thirty (30) days***'*** prior written notification to the debtor of the intention to submit the claim to the Revenue Cabinet for setoff as provided in KRS 131.570.

(4)[~~(3)~~] The individual income tax refund withholding procedures provided in KRS 131.560 to 131.595 shall be in lieu of the procedures set forth in KRS 427.130 and 44.030 only with regard to sums due to a debtor from the Revenue Cabinet.

(5)[~~(4)~~] No state agency shall request the withholding of any individual income tax refund unless the debt for which withholding is requested is in a liquidated amount.

(6)[~~(5)~~] Each state agency requesting the withholding of any individual income tax refund shall indemnify the Revenue Cabinet against any and all damages, court costs, attorneys fees and any other expenses related to litigation which arises concerning the administration of KRS 131.560 to 131.595 as it pertains to a refund withholding action requested by such agency.

(7)[~~(6)~~] Those state agencies requesting the withholding of individual income tax refunds shall, on a per unit cost or other equitable basis determined by the Revenue Cabinet, reimburse the Revenue Cabinet for all development, implementation and administration costs incurred but not otherwise funded under the provisions of KRS 131.560 to 131.595.

(8) [~~(7) During the development and implementation phase and the first full year of operation of the program, ~~]The Revenue Cabinet may ***decline the withholding of individual income tax refunds from agencies if the request would adversely impact the operation of the Revenue Cabinet***[~~limit agency participation in the program to ensure orderly implementation of the system~~].

Section 11. KRS 131.130 is amended to read as follows:

Without limitation of other duties assigned to it by law, the following powers and duties are vested in the Revenue Cabinet:

(1) The cabinet may make administrative regulations, and direct proceedings and actions, for the administration and enforcement of all tax laws of this state.

(2) The cabinet, by representatives appointed by it in writing, may take testimony or depositions, and may examine the records, documents, files, and equipment of any taxpayer or of any person whose records, documents, or equipment will furnish knowledge concerning the tax liability of any taxpayer, when it deems this reasonably necessary for purposes incident to the performance of its functions. The cabinet may enforce this right by application to the Circuit Court in the county wherein the person is domiciled or has his principal office, or by application to the Franklin Circuit Court, which courts may compel compliance with the orders of the cabinet.

(3) The cabinet shall prescribe the style, and determine and enforce the use or manner of keeping, of all assessment and tax forms and records employed by state and county officials, and may prescribe forms necessary for the administration of any revenue law by the promulgation of an administrative regulation pursuant to KRS Chapter 13A incorporating the forms by reference.

(4) The cabinet shall advise on all questions respecting the construction of state revenue laws and the application thereof to various classes of taxpayers and property.

(5) Attorneys employed by the cabinet and approved by the Attorney General as provided in KRS 15.020 may prosecute all violations of the criminal and penal laws relating to revenue and taxation. If a Revenue Cabinet attorney undertakes any of the actions prescribed in this subsection, he shall be authorized to exercise all powers and perform all duties in respect to the criminal actions or proceedings which the prosecuting attorney would otherwise perform or exercise, including but not

limited to the authority to sign, file, and present any and all complaints, affidavits, information, presentments, accusations, indictments, subpoenas, and processes of any kind, and to appear before all grand juries, courts, or tribunals.

(6) In the event of the incapacity of attorneys employed by the cabinet or at the request of the secretary of the Revenue Cabinet, the Attorney General or his designee shall prosecute all violations of the criminal and penal laws relating to revenue and taxation. If the Attorney General undertakes any of the actions prescribed in this subsection, he shall be authorized to exercise all powers and perform all duties in respect to the criminal actions or proceedings which the prosecuting attorney would otherwise perform or exercise, including but not limited to the authority to sign, file, and present any and all complaints, affidavits, information, presentments, accusations, indictments, subpoenas, and processes of any kind, and to appear before all grand juries, courts, or tribunals.

(7) The cabinet may require the Commonwealth's attorneys and county attorneys to prosecute actions and proceedings and perform other services incident to the enforcement of laws assigned to the cabinet for administration.

(8) The cabinet may conduct research in the fields of taxation, finance, and local government administration, and publish its findings, as the secretary may deem wise.

(9) The cabinet may make administrative regulations necessary to establish a system of taxpayer identifying numbers for the purpose of securing proper identification of taxpayers subject to any tax laws or other revenue measure of this state, and may require such taxpayer to place on any return, report, statement, or other document required to be filed, any number assigned pursuant to such administrative regulations.

(10) The cabinet may, when it is in the best interest of the Commonwealth and helpful to the efficient and effective enforcement, administration, or collection of sales and use tax, motor fuels tax, or the petroleum environmental assurance fee, enter into agreements with out-of-state retailers or other persons for the collection and remittance of sales and use tax, the motor fuels tax, or the petroleum environmental assurance fee.

(11) The cabinet may enter into annual memoranda of agreement with any state agency, officer, board, commission, corporation, institution, cabinet, department, or other state organization to assume the collection duties for any~~[liquidated]~~ debts due the state entity and may renew that agreement for up to five (5) years. Under such an agreement, the cabinet shall have all the powers, rights, duties, and authority with respect to the collection, refund, and administration of those liquidated debts as provided under:

(a) KRS Chapters 131, 134, and 135 for the collection, refund, and administration of delinquent taxes; and

(b) Any applicable statutory provisions governing the state agency, officer, board, commission, corporation, institution, cabinet, department, or other state organization for the collection, refund, and administration of any liquidated debts due the state entity.

Section 12. KRS 131.585 is amended to read as follows:

There is hereby created within the Revenue Cabinet a state debt offset account, which will be subject to the provisions of the restricted fund group, as provided in KRS 48.010(13)(f), and all funds collected under KRS 131.565***(6)***~~[(5)]~~ shall be credited thereto with only the expenses of the Revenue Cabinet related to development, implementation and administration of KRS 131.560 to 131.595 to be paid therefrom. This account shall not lapse.

PART XIII

BROWNFIELD SITE ENVIRONMENTAL REMEDIATION TAX CREDIT

Notwithstanding KRS 48.310, the following statutes are amended or created to read as follows, and shall have permanent effect, subject to future actions by the General Assembly:

Section 1. KRS 99.595 is amended to read as follows:

As used in KRS 99.595 to 99.605:

(1) "Administering agency" means the agency delegated responsibility by the legislative body to implement the provisions of KRS 99.595 to 99.605 and 132.452.

(2) "Commercial facility" means any structure the primary purpose and use of which is the operation of a commercial business enterprise and which is twenty-five (25) years old or older.

(3) "Existing residential building" means a residential building which has been in existence for at least twenty-five (25) years and use of which is to provide independent living facilities for one (1) or more persons.

(4) "Legislative body" means the board of aldermen in a city of the first class operating under KRS Chapter 83, the city council in a city operating pursuant to KRS 83A.130, the city commission in a city operating pursuant to KRS 83A.140, the board of commissioners in a city operating pursuant to KRS 83A.150, the fiscal court in a county, the legislative council in a consolidated local government operating pursuant to KRS Chapter 67C, and the legislative body in an urban-county government operating pursuant to KRS Chapter 67A.

(5) "Local government" means a county, municipal, consolidated local government, or urban-county government.

(6) "Rehabilitation" means the process of returning an existing structure to a state of utility through repair or alteration which makes possible an efficient contemporary use.

(7) "Repair" means the reconstruction or renewal of any part of an existing structure for the purpose of maintenance.

(8) "Restoration" means the process of accurately recovering the form and details of a structure and its setting as it appeared at a particular period of time by removal of later work or by the replacement of missing earlier work.

(9) "Stabilization" means the process of applying measures designed to reestablish a weather-resistant enclosure and the structural stability of an unsafe or deteriorated property while maintaining the essential form as it exists.

(10) "Assessment or reassessment moratorium" means the act of deferring the value of the improvements from the taxable assessment of qualifying units of real property for a maximum period of five (5) years.

(11) "Brownfield site" means any blighted or deteriorated property as defined in KRS 99.705(1), the expansion, redevelopment, or reuse of which may be complicated by an actual or suspected release or threatened release of a hazardous substance, or pollutant or contaminant, as defined in KRS 224.01-400(1), or petroleum or petroleum product as defined by KRS 224.60-115, or by the presence, either actual or reasonably suspected, of such a hazardous substance, pollutant, or contaminant, or petroleum or petroleum product.

Section 2. KRS 99.600 is amended to read as follows:

(1) Any local government may by ordinance establish a program granting property assessment or reassessment moratoriums for ***a brownfield site for purposes of encouraging environmental remediation, and for*** existing residential properties or commercial facilities for the purpose of encouraging the repair, rehabilitation, restoration or stabilization of existing improvements thereon. Any such program shall be established pursuant to the provisions of KRS 99.595 to 99.605 and 132.452 and shall specify the duration of effect for such assessment or reassessment moratoriums provided that any moratorium for an individual property certified by a local government shall not exceed five (5) years.

(2) The assessment or reassessment moratorium shall become effective on the assessment date next following the issuance of the moratorium certificate by the administering agency.

(3) The taxable assessment of property qualifying for an assessment or reassessment moratorium shall be that assessment provided for in KRS 99.605(2).

(4) On the assessment date next following the expiration, cancellation or revocation of an assessment or reassessment moratorium, property shall be assessed on the basis of its full fair cash value.

(5) Any property granted an assessment or reassessment moratorium may be eligible for a subsequent moratorium certification provided that reapplication be made no sooner than three (3) years following the expiration of the original moratorium, or any other moratorium, and provided that such property shall otherwise meet the requirements for the assessment or reassessment moratorium.

Section 3. KRS 99.605 is amended to read as follows:

(1) Any owner of ***a brownfield site,*** an existing residential building, or any owner or lessee of a commercial facility, may make application to the administering agency for a property assessment or reassessment moratorium certificate. The application shall be filed within thirty (30) days before commencing ***environmental remediation,*** restoration, repair, rehabilitation, or stabilization and shall be filed in a manner prescribed by the administering agency and on a form prescribed by the Revenue Cabinet. The application shall contain or be accompanied by a general description of the property and a general description of the proposed use of the property, the general nature and extent of the restoration, repair, rehabilitation, or stabilization to be undertaken and a time schedule for undertaking and completing the project. If the property is a commercial facility, the application shall in addition, be accompanied by a descriptive list of the fixed building equipment which will be a part of the facility and a statement of the economic advantages expected from the moratorium, including expected construction employment.

(2) Except as otherwise provided herein, the property valuation administrator, or other assessing official, and the administering agency shall maintain a record of all applications for a property assessment or reassessment moratorium and shall assess or reassess the property within thirty (30) days of receipt of the application. ***With respect to a brownfield site, as defined in Section 1 of this Part, the assessing official shall, for the purpose of establishing taxable value at the time of initial reassessment in response to an application, treat the cost to remediate the environmental contamination under a state-approved corrective action plan as an offset against the property's fair market value or fair cash value as if clean and not subject to environmental contamination.*** The administering agency shall issue a moratorium certificate only after completion of the project. The applicant shall notify the administering agency when the project is complete and the administering agency shall then conduct an on-site inspection of the property for purposes of verifying ***remediation or*** improvements.

(3) The applicant shall have two (2) years in which to complete the improvement unless granted an extension by the administering agency. In no case shall the application be extended beyond two (2) additional years. This provision shall not preclude normal reassessment of the subject property.

(4) Any application for an assessment or reassessment moratorium not acted upon by the applicant shall become void two (2) years from the date of application and shall be purged from the files of the administering agency.

(5) An assessment or reassessment moratorium certificate may be transferred or assigned by the holder of the certificate to a new owner or lessee of the property.

SECTION 4. A NEW SECTION OF KRS CHAPTER 141 IS CREATED TO READ AS FOLLOWS:

(1) There shall be allowed a nonrefundable credit against the tax imposed under KRS 141.020 or 141.040 for taxable years beginning after December 31, 2004, for taxpayer expenditures that are made in order to meet the requirements of an agreed order entered into by the taxpayer under the provisions of KRS 224.01-518 at a brownfield site, as defined in Section 1 of this Part.

(2) The amount of the allowable credit for any taxable year shall be twenty-five percent (25%) of expenditures made and recorded by the taxpayer in order to meet the requirements of an agreed order entered into by a taxpayer under the provisions of KRS 224.01-518. Any expenditure made in any taxable year beginning after December 31, 2004, but before the one hundred fifty thousand dollar ($150,000) capital expenditure required in subsection (3) of this section has been met, shall be eligible for the credit. Any unused credit may be carried forward to the next taxable year.

(3) The taxpayer shall only be eligible to file for the credit after the taxpayer has made capital expenditures, exclusive of expenditures made in furtherance of meeting the requirements of an agreed order entered into by the taxpayer under the provisions of KRS 224.01-518, in excess of one hundred fifty thousand dollars ($150,000) to expand, redevelop, or reuse the brownfield site.

(4) If the taxpayer is a pass-through entity, the credit shall pass through in the same proportion as the distributive share of income or loss is passed through.

(5) A taxpayer claiming a credit under this section shall submit receipts in proof of brownfield site environmental remediation expenditures related to the requirements of an agreed order entered into by the taxpayer in accordance with the provisions of KRS 224.01-518.

Section 5. KRS 141.0205 is amended to read as follows:

If a taxpayer is entitled to more than one (1) of the tax credits allowed against the tax imposed by KRS 141.020 or 141.040, the priority of application and use of the credits shall be determined as follows:

(1) The nonrefundable credits against the tax imposed by KRS 141.020 shall be taken in the following order:
  (a) The individual credits permitted by KRS 141.020(3);
  (b) The economic development credits computed under KRS 141.347, 141.400, 141.403, 141.407, and 154.12-2088;
  (c) The health insurance credit permitted by KRS 141.062;
  (d) The tax paid to other states credit permitted by KRS 141.070;
  (e) The credit for hiring the unemployed permitted by KRS 141.065;
  (f) The recycling or composting equipment credit permitted by KRS 141.390;
  (g) The tax credit for cash contributions in investment funds permitted by KRS 154.20-263 in effect prior to July 15, 2002, and the credit permitted by KRS 154.20-258;
  (h) The low income credit permitted by KRS 141.066;
  (i) The household and dependent care credit permitted by KRS 141.067;
  (j) The coal incentive credit permitted under KRS 141.0405;~~[and]~~
  (k) The research facilities credit permitted under KRS 141.395***; and***
  (l) The brownfield site environmental remediation credit permitted by Section 4 of this Part.

(2) After the application of the nonrefundable credits in subsection (1) of this section, the refundable credits against the tax imposed by KRS 141.020 shall be taken in the following order:
  (a) The individual withholding tax credit permitted by KRS 141.350; and
  (b) The individual estimated tax payment credit permitted by KRS 141.305.

(3) The nonrefundable credits against the tax imposed by KRS 141.040 shall be taken in the following order:
  (a) The economic development credits computed under KRS 141.347, 141.400, 141.403, 141.407, and 154.12-2088;
  (b) The health insurance credit permitted by KRS 141.062;
  (c) The unemployment credit permitted by KRS 141.065;
  (d) The recycling or composting equipment credit permitted by KRS 141.390;
  (e) The coal conversion credit permitted by KRS 141.041;
  (f) The enterprise zone credit permitted by KRS 154.45-090;
  (g) The tax credit for cash contributions to investment funds permitted by KRS 154.20-263 in effect prior to July 15, 2002, and the credit permitted by KRS 154.20-258;
  (h) The coal incentive credit permitted under KRS 141.0405;~~[and]~~
  (i) The research facilities credit permitted under KRS 141.395***; and***
  (j) The brownfield site environmental remediation credit permitted by Section 4 of this Part.

(4) After the application of the nonrefundable credits in subsection (3) of this section, the refundable corporation estimated tax payment credit permitted by KRS 141.044 shall be allowed as a credit against the tax imposed by KRS 141.040.

PART XIV

JURY SELECTION AND COMPENSATION

Notwithstanding KRS 48.310, the following statutes are amended to read as follows, and shall have permanent effect subject to future actions by the General Assembly:

Section 1. KRS 29A.040 is amended to read as follows:

(1) A list of all persons over the age of eighteen (18) and holding valid driver's licenses which were issued in the county[~~, of the names and addresses of all persons filing Kentucky resident individual income tax returns which show an address in the county,~~] and of all persons registered to vote in the county shall constitute a master list of prospective jurors for a county.

(2) The Administrative Office of the Courts shall at least annually acquire an electronic copy of the driver's license list from the Transportation Cabinet[~~, an electronic copy of the tax roll described in subsection (1) of this section from the Revenue Cabinet,~~] and an electronic copy of the voter registration lists from the State Board of Elections. In addition, the Administrative Office of the Courts shall at least annually acquire a listing *of the names and addresses of all persons filing Kentucky resident individual income tax returns from the Revenue Cabinet, and a listing* of deceased persons from the Department of Vital Statistics. The Transportation Cabinet, the Revenue Cabinet, the State Board of Elections, and the Department of Vital Statistics and those public officers or employees having custody, possession, or control of any of the lists required under this section shall annually furnish a copy of the list to the Administrative Office of the Courts without charge.

(3) The Administrative Office of the Courts shall merge the lists required by subsections (1) and (2) of this section in a manner designed to create an accurate listing of all persons eligible for jury service *and their current mailing addresses*. The Administrative Office of the Courts may purge names from the master list upon reasonable evidence of death, change of state residence, change of county residence, or any other reason causing a person to be ineligible for jury service as found in KRS 29A.080.

(4) Any person who comes into possession of the Kentucky income tax names and addresses as provided in this section shall be bound by the confidentiality provisions of KRS 131.190.

Section 2. KRS 29A.170 is amended to read as follows:

(1) *For jury service on or after July 1, 2004,* all jurors in Circuit and District Court shall be *reimbursed*[~~paid five dollars ($5) per day for jury service. In addition thereto, they shall be paid~~] seven dollars and fifty cents ($7.50) per day as reimbursement of expenses incurred, which sum is hereby determined to be the equivalent of the minimum daily expenses reasonably to be incurred by such juror.

(2) *In addition to the reimbursement required in subsection (1) of this section, for jury service on or after July 1, 2004, all jurors who lose their usual compensation as a result of jury service shall be paid ten dollars ($10) per day for jury service. For jury service on or after July 1, 2005, all jurors who lose their usual compensation as a result of jury service shall be paid seventeen dollars and fifty cents ($17.50) per day for jury service.*

(3) Persons who appear in court in response to a summons for jury duty and who are not relieved from jury service shall receive *reimbursement, as required in subsection (1) of this section*[~~full compensation~~] for each day they are required to be and are in attendance, even though they are not sworn or accepted for jury service. *Persons who appear and are sworn or accepted for jury service shall receive compensation as required in subsection (2) of this section.*

PART XV

LOCAL GOVERNMENT PUBLIC SAFETY

Notwithstanding KRS 48.310, the following statutes are amended or created to read as follows, and shall have permanent effect, subject to future actions by the General Assembly. Notwithstanding KRS 48.310, the repeal of statutes in this Part shall have permanent effect, subject to future actions by the General Assembly.

SECTION 1. A NEW SECTION OF KRS CHAPTER 23A IS CREATED TO READ AS FOLLOWS:

(1) For the purposes of this section:

  (a) "Local government" means a city, county, charter county, urban-county, or consolidated local government; and

  (b) "Police department" means a police department created by a local government which employs one or more officers certified pursuant to KRS 15.380 to 15.404.

(2) In criminal cases a fee of twenty-seven dollars ($27) shall be added to the costs imposed by KRS 23A.205 that the defendant is required to pay.

(3) The circuit clerk shall pay the funds from fees collected under this section to the Finance and Administration Cabinet pursuant to KRS 23A.215 for distribution. Twenty dollars ($20) of the fees collected under this section shall be distributed as provided in subsection (5) of this section to local governments with police departments or local governments that contract for police services, and to counties with fiscal responsibilities for jails or the transporting of prisoners. Five dollars ($5) of the fees collected under this section shall be allocated to the Health and Family Services Cabinet for the implementation and operation of a telephonic behavioral health jail triage system as provided in KRS

Chapter 210. Two dollars ($2) of the fees collected under this section shall be allocated to the Public Student Law School Loan Assistance Program as provided in KRS Chapter 164A.

(4) All funds distributed to local governments shall be used for payment of expenses for operation of the local government's police department or contracted police services. All funds distributed to counties with fiscal responsibilities for jails or the transporting of prisoners shall be used for the payment of costs associated with the housing or transporting of prisoners.

(5) Payments shall be distributed quarterly by the Finance and Administration Cabinet beginning October 1, 2004, as follows:

(a) Thirty percent (30%) of the total shall be distributed equally to all local governments with police departments or that contract for police services;

(b) Fifty percent (50%) of the total shall be distributed to local governments with police departments or local governments that contract for police services on a per capita basis according to the number of certified police officers employed by the police department on July 1 each year or providing services to the local government pursuant to a contract on July 1 of each year. For purposes of this subsection, each local government that contracts for police services shall be considered to employ one (1) police officer for each sixty thousand dollars ($60,000) it expends during each fiscal year for police services under a written contract; and

(c) Twenty percent (20%) of the total shall be distributed equally to counties with fiscal responsibilities for jails or the transporting of prisoners.

(6) On or before August 1 of each year, the Justice Cabinet shall certify to the Finance and Administration Cabinet the number of certified police officers employed by each local government.

(7) On or before August 1 of each year, each local government contracting for police services shall certify to the Finance and Administration Cabinet the amount of money expended for police services under a written contract during the previous fiscal year.

(8) The Finance and Administration Cabinet shall promulgate administrative regulations pursuant to KRS Chapter 13A deemed necessary for the administration of this section.

SECTION 2. A NEW SECTION OF KRS CHAPTER 24A IS CREATED TO READ AS FOLLOWS:

(1) For the purposes of this section:

(a) "Local government" means a city, county, charter county, urban-county, or consolidated local government; and

(b) "Police department" means a police department created by a local government which employs one or more officers certified pursuant to KRS 15.380 to 15.404.

(2) In criminal cases a fee of twenty-seven ($27) shall be added to the costs imposed by KRS 24A.175 that the defendant is required to pay.

(3) The circuit clerk shall pay the funds from fees collected under this section to the Finance and Administration Cabinet pursuant to KRS 24A.175. Twenty dollars ($20) of the fees shall be distributed as provided in subsection (5) of this section to local governments with police departments or local governments that contract for police services, and to counties with fiscal responsibilities for jails or the transporting of prisoners. Five dollars ($5) of the fees collected under this section shall be allocated to the Health and Family Services Cabinet for the implementation and operation of a telephonic behavioral health triage system as provided in KRS Chapter 210. Two dollars ($2) of the fees collected under this section shall be allocated to the Public Student Law School Loan Assistance Program as provided in KRS Chapter 164A.

(4) All funds distributed to local governments shall be used for payment of expenses for operation of the local government's police department or contracted police services. All funds distributed to counties with fiscal responsibilities for jails or the transporting of prisoners shall be used for the payment of costs associated with the housing or transporting of prisoners.

(5) Payments to local governments shall be distributed quarterly by the Finance and Administration Cabinet beginning October 1, 2004, as follows:

(a) Thirty percent (30%) of the total shall be distributed equally to all local governments with police departments or local governments that contract for police services;

(b) Fifty percent (50%) of the total shall be distributed to local governments with police departments on a per capita basis according to the number of certified police officers employed by the police department on July 1 each year or providing services to the local government pursuant to a contract on July 1 of each year. For purposes of this subsection, each local government that contracts for police services shall be considered to employ one (1) police officer for each sixty thousand dollars ($60,000) it expends during each fiscal year for police services under a written contract; and

(c) Twenty percent (20%) of the total shall be distributed equally to counties with fiscal responsibilities for jails or the transporting of prisoners.

(6) On or before August 1 of each year, the Justice Cabinet shall certify to the Finance and Administration Cabinet the number of certified police officers employed by each local government.

(7) On or before August 1 of each year, each local government contracting for police services shall certify to the Finance and Administration Cabinet the amount of money expended for police services under a written contract during the previous fiscal year.

(8) The Finance and Administration Cabinet shall promulgate administrative regulations pursuant to KRS Chapter 13A necessary for the administration of this section.

Section 3. KRS 42.409 is amended to read as follows:

As used in KRS 42.410 and 45.760, unless the context requires otherwise:

(1) "State total personal income" means the measure of all income received by or on behalf of persons in the Commonwealth, as most recently published in the Survey of Current Business by the United States Department of Commerce, Bureau of Economic Analysis.

(2) "Estimated state total personal income" means the personal income figure used by the Governor's Office for Economic Analysis to generate final detailed revenue estimates.

(3) "Total revenues" means revenues credited to the general fund and the road fund consistent with the provisions of KRS 48.120, as well as any restricted agency fund account from which debt service is expended.

(4) "Anticipated total revenues" means final estimates of revenues, as provided for in KRS 48.120(2), projected for the general fund and the road fund, as well as any restricted agency fund account from which debt service is expended.

(5) "Available revenues" means revenues credited to the general fund and the road fund consistent with the provisions of KRS 48.120, as well as any restricted agency fund account from which debt service is expended, minus any statutorily dedicated receipts of the respective funds.

(6) "Anticipated available revenues" means final estimates of revenues, as provided for in KRS 48.120(2), projected for the general fund and the road fund, as well as any restricted agency fund account from which debt service is expended, minus any statutorily dedicated receipts of the respective funds.

(7) "Total assessed value of property" means state total net assessed value of property for taxes due, as obtained from the Revenue Cabinet.

(8) "Per capita" means per unit of population, where population figures are the most recent available from the University of Louisville, Kentucky State Data Center.

(9) "Appropriation-supported debt service" means the amount of an appropriation identified to be expended for debt service purposes in the executive budget recommendation, and the amount of an appropriation expended for debt services in a completed fiscal year.

(10) "Appropriation-supported debt" means the outstanding principal of bonds issued by all state agencies and all individuals, agencies, authorities, boards, cabinets, commissions, corporations, or other entities of, or representing the Commonwealth with the authority to issue bonds, and for which debt service is appropriated by the General Assembly.

(11) "Nonappropriation-supported debt" means the outstanding principal of bonds issued by all state agencies and all individuals, agencies, authorities, boards, cabinets, commissions, corporations, or other entities of, or representing the Commonwealth with the authority to issue bonds, and for which debt service is not appropriated by the General Assembly.

(12) "Statutorily dedicated receipts" means revenues credited to the general fund and road fund consistent with the provisions of KRS 48.120, as well as any restricted agency fund account, which are required by an enacted statute to be used for a specific purpose. Statutorily dedicated receipts include, but are not limited to, the following:

(a) Receipts credited to the general fund which are subject to~~[KRS 24A.191, KRS 24A.192,]~~ KRS 42.450 to 42.495, KRS 278.130 to 278.150, or KRS 350.139;

(b) Receipts credited to the road fund which are subject to KRS 175.505, KRS 177.320, KRS 177.365 to 177.369, KRS 177.9771 to 177.979, KRS 186.531, or KRS 186.535; and

(c) Receipts credited to a restricted agency fund account in accordance with any applicable statute.

(13) "True interest cost" means the bond yield according to issue price without a reduction for related administrative costs, and is the same figure as the arbitrage yield calculation described in the United States Tax Reform Act of 1986.

SECTION 4. A NEW SECTION OF KRS CHAPTER 210 IS CREATED TO READ AS FOLLOWS:

(1) As used in this section:

(a) "Prisoner" has the same meaning a set out in KRS 441.005; and

(b) "Qualified mental health professional" has the same meaning as set out in KRS 202A.011.

(2) The Cabinet for Health Services shall create a telephonic behavioral health jail triage system to screen prisoners for mental health risk issues, including suicide risk. The triage system shall be designed to give the facility receiving and housing the prisoner an assessment of his or her mental health risk, with the assessment corresponding to recommended protocols for housing, supervision, and care which are designed to mitigate the mental health risks

identified by the system. The triage system shall consist of:

(a) A written screening instrument which the personnel of a facility receiving a prisoner shall utilize to assess inmates for mental health, suicide, mental retardation, and acquired brain injury risk factors; and

(b) A continuously available toll-free telephonic triage hotline staffed by a qualified mental health professional which the screening personnel may utilize if the written screening instrument indicates an increased mental health risk for the assessed prisoner.

(3) In creating and maintaining the telephonic behavioral health jail triage system, the cabinet shall consult with:

(a) The Department of Corrections;

(b) The Kentucky Jailers Association;

(c) The Kentucky Commission on Services and Supports for Individuals with Mental Illness, Alcohol and Other Drug Abuse Disorders, and Dual Diagnoses; and

(d) The regional community mental health and mental retardation services programs created under KRS 210.370 to 210.460.

(4) The cabinet may delegate all or a portion of the operational responsibility for the triage system to the regional community mental health and mental retardation services programs created under KRS 210.370 to 210.460 if the regional program agrees and the cabinet remains responsible for the costs of delegated functions.

(5) The cabinet shall design into the implemented triage system the ability to screen and assess prisoners who communicate other than in English or who communicate other than through voice.

(6) The cost of operating the telephonic behavioral health jail triage system shall be born by the cabinet.

(7) Records generated under this section shall be treated in the same manner and with the same degree of confidentiality as other medical records of the prisoner.

(8) Unless the prisoner is provided with an attorney during the screening and assessment, any statement made by the prisoner in the course of the screening or assessment shall not be admissible in a criminal trial of the prisoner, unless the trial is for a crime committed during the screening and assessment.

(9) The cabinet may, after consultation with those entities set out in subsection (3) of this section, promulgate administrative regulations for the operation of the telephonic behavioral health jail triage system and the establishment of its recommended protocols for prisoner housing, supervision, and care.

SECTION 5. A NEW SECTION OF KRS CHAPTER 441 IS CREATED TO READ AS FOLLOWS:

Every prisoner upon admittance to detention shall be screened for mental health risk issues, including mental illness, suicide, mental retardation, and acquired brain injury, by the personnel of the facility in which facility the prisoner is detained using the telephonic behavioral health jail triage system created in Section 4 of this Part. Where the triage system indicates levels of behavioral health risk, the facility holding the prisoner may consider implementing the recommended protocols for housing, supervision, and care delivery that match the level of risk.

Section 6. The following KRS sections are repealed:

24A.190 Definitions for KRS 24A.191 to 24A.193.

24A.191 Computation of net court revenue and base court revenue.

24A.192 Return to cities and counties of net court revenue.

24A.193 Authority for administrative regulations.

PART XVI

PUBLIC SERVICE STUDENT LAW SCHOOL LOAN ASSISTANCE PROGRAM

Notwithstanding KRS 48.310, the following statutes are created or amended to read as follows, and shall have permanent effect, subject to future action by the General Assembly:

SECTION 1. A NEW SECTION OF KRS CHAPTER 164A IS CREATED TO READ AS FOLLOWS:

As used in Sections 1 to 5 of this Part:

(1) "Authorized reimbursement period" means a two (2) year period during which the student law school loan expenses of an eligible attorney are authorized to be reimbursed under Section 2 of this Part.

(2) "Eligible attorney" means an attorney in a nonelective position who is employed either full-time or part-time and working at least twenty (20) hours per week:

(a) Currently employed by the:

1. Office of Attorney General or the Prosecutors Advisory Council pursuant to KRS Chapter 15, including assistant Commonwealth's attorneys, assistant county attorneys, and assistant attorney generals; or

2. Department of Public Advocacy under KRS Chapter 31, including those attorneys employed full-time by a nonprofit organization operating under a contract with the Department of Public Advocacy pursuant to KRS Chapter 31; or

3. Nonprofit legal services organizations designated as eligible to receive funds from the federal Legal Services Corporation to provide civil legal services to the indigent pursuant to KRS Chapter 27A; and

(b) Whose application under Section 2 of this Part has been accepted and authorized to receive assistance in the repayment of his or her student law school loan expenses by the Kentucky Higher Education Assistance Authority. Part-time employees must also be approved by the Prosecutors Advisory Council.

(3) "Student law school loan expenses" means the cumulative total of the eligible attorney's outstanding student law school loans; and

(4) "Student law school loan" means any indebtedness incurred by the eligible attorney solely to pay higher education expenses covering the cost of attendance at any law school at which the eligible attorney completed course work required to obtain a law degree. Student law school loan includes indebtedness used to refinance indebtedness that qualifies as a student law school loan and shall not include any indebtedness owed to a person who is related to the eligible attorney within the meaning of section 267(b) or 707(b)(1) of the Internal Revenue Code.

SECTION 2. A NEW SECTION OF KRS CHAPTER 164A IS CREATED TO READ AS FOLLOWS:

(1) The Public Service Student Law School Loan Assistance Authority is hereby created and shall be administered by the Kentucky Higher Education Assistance Authority. Any eligible attorney as defined in Section 1 of this Part may apply to the Kentucky Higher Education Assistance Authority for assistance under the program in repaying the attorney's student law school expenses.

(2) To be accepted for student law school loan repayment assistance, an applying eligible attorney shall:

(a) Be currently licensed to practice law in the Commonwealth of Kentucky; and

(b) Sign a statement agreeing to remain in his or her present employment for a period of two (2) years.

(3) The corporation specified in Section 6 of this Part shall, to the extent funds are appropriated and available for such purposes, either advance a new loan to discharge the student law student school loans or authorize reimbursement to all eligible attorneys who apply and meet the qualifications of subsection (2) of this section.

SECTION 3. A NEW SECTION OF KRS CHAPTER 164A IS CREATED TO READ AS FOLLOWS:

(1) The Kentucky Higher Education Assistance Authority shall annually reimburse an eligible attorney for a portion of the attorney's student law school loan expenses actually paid by the eligible attorney in the preceding year during the authorized reimbursement period, to the extent funds are appropriated and available, as determined under subsection (2) of this section.

(2) The portion of student law school loan expense to be reimbursed each year to an eligible attorney shall be an amount determined as follows:

(a) For a full-time attorney, the amount shall be the aggregate of the lesser of the eligible attorney's scheduled monthly payments for student law school loan expenses or five hundred dollars ($500) per month; and

(b) For a part-time attorney, the amount shall be the aggregate of the lesser of one-half (1/2) of the eligible attorney's scheduled monthly payments for student law school loan expenses or two hundred fifty dollars ($250) per month.

(3) An eligible attorney receiving student law school loan assistance who voluntarily or involuntarily terminates his or her employment before the expiration of the authorized reimbursement period shall not be required to repay any funds that were paid to the eligible attorney during that reimbursement period.

(4) An eligible attorney receiving student law school loan assistance who takes a leave of absence or whose employment is involuntarily terminated shall not be reimbursed for student law school loan payments during the leave of absence or after the date of termination.

(5) After the expiration of an eligible attorney's authorized reimbursement period, an attorney who desires further student law school loan assistance shall be required to reapply for the assistance for a new two (2) year period, under the provisions of Section 4 of this Part. A full-time employee may qualify for student law school loan assistance a maximum of ten (10) years and a part-time employee may qualify for student law school loan assistance a maximum of six (6) years.

SECTION 4. A NEW SECTION OF KRS CHAPTER 164A IS CREATED TO READ AS FOLLOWS:

(1) The Kentucky Higher Education Assistance Authority shall administer the provisions of Sections 1 to 5 of this Part.

(2) The Kentucky Higher Education Assistance Authority shall promulgate administrative regulations that create an application and repayment process for the administration of Sections 1 to 5 of this Part.

(3) The Kentucky Higher Education Assistance Authority may, in accordance with any administrative regulations promulgated by the authority, delegate to the entities employing eligible attorneys the following responsibilities:

(a) Certifying an applicant's employment status, and

(b) Notifying the authority of the termination of employment or leave of absence, last known residential address, business and residential phone numbers, and any information about new employment of an eligible attorney.

(4) Reimbursement of student law school loan expenses shall not be awarded to any person who is in default on any

obligation to the Kentucky Higher Education Assistance Authority or the Kentucky Higher Education Student Loan Corporation under any program administered by the Kentucky Higher Education Assistance Authority or the Kentucky Education Student Loan Corporation until financial obligations to the Kentucky Higher Education Student Loan Corporation are satisfied, except that ineligibility for this reason may be waived by the Kentucky Higher Education Assistance Authority at its sole discretion.

SECTION 5. A NEW SECTION OF KRS CHAPTER 164A IS CREATED TO READ AS FOLLOWS:

(1) The funds received to implement Sections 1 to 5 of this Part shall be credited to the Public Service Student Law School Loan Assistance Program trust fund, which is hereby created in the State Treasury.

(2) Federal funds or other funds that may be made available to supplement or match state funds for the Public Service Student Law School Loan Assistance Program created by Section 1 of this Part shall be credited to the trust fund created in subsection (1) of this section.

(3) Funds deposited to the credit of the Public Service Student Law School Loan Assistance Program trust fund shall be used to finance the Public Service Student Law School Loan Assistance Program created by Section 2 of this Part, as well as to defray administrative expenses incurred by the Kentucky Higher Education Assistance Authority and are hereby appropriated.

(4) Funds unexpended at the close of a fiscal year shall not lapse but shall be carried forward to the next fiscal year.

(5) Any interest earnings of the trust fund shall become part of the trust fund and shall not lapse to the general fund.

Section 6. KRS 164A.337 is amended to read as follows:

(1) The board is authorized to incorporate an organization pursuant to KRS Chapter 273 for the eleemosynary, charitable, and educational purposes of administering an endowment trust. The organization so created shall be an instrumentality of the Commonwealth, but shall possess no part of the sovereign powers of the Commonwealth. The corporation shall be created to qualify as a tax exempt organization pursuant to Section 501(c)(3) of the Internal Revenue Code.

(2) The endowment trust created pursuant to subsection (1) of this section shall solicit and accept gifts, grants, donations, bequests, or other endowments, including general fund appropriations from the Commonwealth and grants from any federal or other governmental agency, for the purposes of the endowment trust.

(3) The endowment trust shall provide ***assistance under the Public Service Student Law School Loan Assistance Program under the provisions of Sections 1 to 5 under this Part and*** student financial assistance benefits, including, but not limited to, grants, scholarships, or loans to pay higher education costs of members of the public, ***including but not limited to those individuals*** designated as beneficiaries of participation agreements under the Kentucky Educational Savings Plan Trust, who enroll in an institution of higher education in Kentucky***, and beneficiaries under a prepaid tuition contract with the Commonwealth Prepaid Tuition Trust Fund***.

(4) The board is authorized to transfer to the endowment trust, after its qualification under Section 501(c)(3) of the Internal Revenue Code, any funds or assets then held in the endowment fund initially established pursuant to KRS 164A.335.

(5) Any gifts, grants, or donations made by any governmental unit or any person, firm, partnership***,***[~~ or~~] corporation***, or civic or nonprofit organization*** to the endowment trust shall be a grant, gift, or donation for the accomplishment of a valid public, eleemosynary, charitable, and educational purpose.

(6) The endowment trust shall submit an annual audited report, in accordance with KRS 164A.365(1) and (2), to the program administrator not later than the fifteenth of each September.

PART XVII

PUBLIC HEALTH

Notwithstanding KRS 48.310, the following statutes are amended or created to read as follows, and shall have permanent effect, subject to future actions by the General Assembly:

SECTION 1. A NEW SECTION OF KRS CHAPTER 194A IS CREATED TO READ AS FOLLOWS:

The General Assembly finds and declares that the goals for public health as expressed by the Department for Public Health in its report, Healthy Kentuckians 2010, are laudable goals, and the policies of the Commonwealth should be directed to work toward these goals, as follows:

(1) Substantially increase the prevalence of healthy weight among all people aged twenty (20) years and older;

(2) Substantially reduce the prevalence of obesity among people aged twenty (20) years and older;

(3) Substantially reduce the prevalence of overweight and obesity among children and adolescents;

(4) Substantially reduce the proportion of adults aged eighteen (18) years and older who use tobacco products;

(5) Substantially reduce the proportion of young people who have smoked cigarettes within the past thirty (30) days;

(6) Substantially increase the proportion of young people in grades nine (9) to twelve (12) who have never smoked;

(7) Substantially reduce past-month use of alcohol among adolescents;

(8) Substantially reduce the proportion of adolescents reporting marijuana use during the past thirty (30) days;

(9) Substantially reduce the proportion of adolescents reporting use of illicit drugs other than marijuana during the past

thirty (30) days;

(10) Substantially reduce the proportion of Kentuckians of all ages who report binge drinking within the past thirty (30) days;

(11) Substantially increase the proportion of worksites that prohibit smoking or limit it to separately ventilated areas;

(12) Achieve immunization coverage among children nineteen (19) to thirty-five (35) months of age for the following:

(a) Four (4) doses of diphtheria-tetanus-pertussis, three (3) doses for polio, one (1) dose for measles-mumps-rubella, three (3) doses for haemophilus influenzae type b, three (3) doses for hepatitis B; and

(b) One (1) dose of varicella vaccine;

(13) Achieve immunization coverage for children in licensed day care facilities and children in kindergarten for the following:

(a) For diphtheria-tetanus-pertussis, four (4) doses, at least one (1) on or after age four (4);

(b) For measles, mumps, and rubella, two (2) doses for kindergarten and one (1) dose for children over sixteen (16) months of age in day care;

(c) Haemophilus influenzae type b for children under five (5) years of age; and

(d) Hepatitis B, three (3) doses;

(14) Substantially increase the target rates of certain immunization coverage among the following adult groups, as follows:

(a) Influenza vaccine and pneumococcal vaccine for noninstitutionalized adults aged sixty-five (65) years of age or older; and

(b) Influenza vaccine and pneumococcal vaccine for institutionalized adults in long-term care or nursing homes;

(15) Substantially increase access to dental health care for all Kentuckians as well as the number of citizens receiving it;

(16) Substantially increase the proportion of people who have a specific source of ongoing primary care;

(17) Substantially increase the proportion of all pregnant women who begin prenatal care in the first trimester of pregnancy; and

(18) Substantially reduce the number of cases of fetal alcohol spectrum disorder (FASD).

SECTION 2. A NEW SECTION OF KRS CHAPTER 194A IS CREATED TO READ AS FOLLOWS:

(1) The Commission for a Healthy Kentucky is created within the Cabinet for Health Services for the purpose of developing an action plan to improve the health and well-being of all Kentuckians as set forth in Healthy Kentuckians 2010 and as further defined by the commission. The commission shall consist of nine (9) members appointed by the Governor. Not fewer than six (6) members shall have professional knowledge and experience involving public health, preventive health care, or primary health care. Not more than three (3) members shall demonstrate a history of community or business experience and leadership. Members shall:

(a) Reflect the geographic regions of the Commonwealth, including but not limited to Appalachia;

(b) Represent both urban and rural health perspectives; and

(c) Represent business, not-for-profit, for-profit, and faith-based entities.

(2) The Governor shall appoint the chair from the membership of the commission. The chair shall demonstrate the following qualities:

(a) Passion for improving the health of Kentuckians and implementing the goals of the commission;

(b) Strong administrative ability; and

(c) Strong leadership ability.

(3) The First Lady of the Commonwealth shall serve as a special advisor to the commission.

(4) By June 1, 2004, the Governor shall appoint the members of the commission. The members' terms shall be for a period of four (4) years, and the members may be reappointed to a second term. The terms may be staggered by the Governor to assure continuity of experience on the commission. The members of the commission shall serve for the duration of the work of the commission, which shall cease to exist no later than December 31, 2010. Members shall not be compensated but shall receive reimbursement for expenses incurred while performing the business of the commission.

(5) The commission shall meet at least monthly for the first eighteen months, and thereafter shall meet at least quarterly. The first meeting of the commission shall occur no later than August 1, 2004. A majority of the full membership shall constitute a quorum.

(6) The commission is charged with developing and assisting with implementation of an action plan to achieve the goals established by Healthy Kentuckians 2010. To accomplish this charge, the commission shall:

(a) Inventory local resources related to the jurisdiction of the commission, including but not limited to public, private, faith-based, and not-for-profit entities that are active in providing health care education, preventive care, disease detection, and treatment. This inventory may be accomplished by soliciting input from local directors of health departments and family resource and youth services centers, or by contacting other local

resources, as necessary;

(b) Solicit testimony from citizens, local and statewide health care providers, and businesses;

(c) Develop strategies designed to facilitate collaborative relationships to achieve the goals. These strategies shall include methods that local leaders may utilize to coordinate local resources in a manner best designed to promote healthy lifestyles and achieve the goals of the commission;

(d) Consult cooperative extension personnel, including local cooperative extension agents and state level faculty and staff, regarding their role and support in implementation of the action plan;

(e) Solicit testimony from public and private teachers, students, school administrators, school cafeteria administrators, physical education instructors, and other education personnel who shall provide integral support of the action plan;

(f) Consider the resources of local health departments and recommend ongoing relationships, as appropriate, between local health departments, family resource and youth services centers, and other health care providers;

(g) Include, among other groups, the following local organizations with responsibility for, and involvement in, the implementation of the action plan:

1. Faith-based organizations;

2. Cooperative extension service advisory councils, including but not limited to county extension councils, 4-H youth development councils, family consumer science councils, agriculture councils, and homemaker councils; and

3. Farm bureaus;

(h) Utilize, wherever possible, existing resources and collaborative initiatives in communities across the Commonwealth;

(i) Encourage the development of incentives for participation in employee wellness programs. Incentives may be based upon, but should not be limited to, the employee's completion of health questionnaires or participation in healthy lifestyle initiatives, and may utilize experiences of successful, similar initiatives implemented by, among others, the University of Kentucky. The action plan should include, among its targets, state government employees in this incentive program;

(j) Involve state college and university personnel for assistance with developing the action plan and advice on its implementation;

(k) Consult media representatives for advice on methods to disseminate information about the action plan;

(l) Build upon existing collaborative statewide initiatives that focus on any or all of the commission's goals, soliciting input from these initiatives and eliminating duplication of effort; and

(m) Assess the availability of federal, state, and private grant opportunities to achieve the goals of the commission, and build upon any existing grant initiatives.

(7) The commission may employ consultants as necessary to carry out its duties.

(8) The commission may form subcommittees or work groups consisting of its members or any other persons whom the commission desires to involve with the activities of the commission. The commission is encouraged to include in its activities persons representing the Commonwealth's racial, geographic, and gender diversity.

(9) The commission shall develop a plan to coordinate and combine local efforts. This plan shall be based upon the inventory of resources identified in paragraph (a) of subsection (6) of this section, and shall maximize the use of all available resources to improve the health of all Kentuckians consistent with the goals of the commission.

(10) Using available data, the commission shall assess the effectiveness of local entities in meeting the health care goals established by the commission, and shall assess the venues and modalities of the entities' activities.

(11) The commission's action plan shall be presented as soon as practicable and shall guide local entities toward using best practices based on assessments of other clinical and public data. The commission shall make its recommendations for an action plan in a report to the Governor and the Legislative Research Commission.

PART XVIII

PUBLIC RECORDS

Notwithstanding KRS 48.310, the following statutes are amended to read as follows, and shall have permanent effect, subject to future actions by the General Assembly:

Section 1. KRS 61.805 is amended to read as follows:

As used in KRS 61.805 to 61.850, unless the context otherwise requires:

(1) "Meeting" means all gatherings of every kind, including video teleconferences, regardless of where the meeting is held, and whether regular or special and informational or casual gatherings held in anticipation of or in conjunction with a regular or special meeting;

(2) "Public agency" means:

(a) Every state or local government board, commission, and authority;

(b) Every state or local legislative board, commission, and committee;

(c) Every county and city governing body, council, school district board, special district board, and municipal corporation;

(d) Every state or local government agency, including the policy-making board of an institution of education, created by or pursuant to state or local statute, executive order, ordinance, resolution, or other legislative act;

(e) Any body created by or pursuant to state or local statute, executive order, ordinance, resolution, or other legislative act in the legislative or executive branch of government;

(f) ***Any entity, with two (2) or more members, involved in producing or financing arts or arts programs on a local or statewide basis which during the previous eighteen (18) months received twenty-five thousand dollars ($25,000) or more from a state or local governmental unit appropriation, grant, or any combination thereof;***

(g) Any entity when the majority of its governing body is appointed by a "public agency" as defined in paragraph (a), (b), (c), (d), (e), ***(f)***[~~(g)~~], [~~or ~~](h)***, or (i)*** of this subsection, a member or employee of a "public agency," a state or local officer, or any combination thereof;

(h)[~~(g)~~] Any board, commission, committee, subcommittee, ad hoc committee, advisory committee, council, or agency, except for a committee of a hospital medical staff or a committee formed for the purpose of evaluating the qualifications of public agency employees, established, created, and controlled by a "public agency" as defined in paragraph (a), (b), (c), (d), (e), (f), ***(g),*** or ***(i)***[~~(h)~~] of this subsection; and

(i)[~~(h)~~] Any interagency body of two (2) or more public agencies where each "public agency" is defined in paragraph (a), (b), (c), (d), (e), (f), [~~or ~~](g)***, or (h)*** of this subsection;

(3) "Action taken" means a collective decision, a commitment or promise to make a positive or negative decision, or an actual vote by a majority of the members of the governmental body; and

(4) "Member" means a member of the governing body of the public agency and does not include employees or licensees of the agency.

(5) "Video teleconference" means one (1) meeting, occurring in two (2) or more locations, where individuals can see and hear each other by means of video and audio equipment.

Section 2. KRS 61.810 is amended to read as follows:

(1) All meetings of a quorum of the members of any public agency at which any public business is discussed or at which any action is taken by the agency, shall be public meetings, open to the public at all times, except for the following:

(a) Deliberations for decisions of the Kentucky Parole Board;

(b) Deliberations on the future acquisition or sale of real property by a public agency, but only when publicity would be likely to affect the value of a specific piece of property to be acquired for public use or sold by a public agency;

(c) Discussions of proposed or pending litigation against or on behalf of the public agency;

(d) Grand and petit jury sessions;

(e) Collective bargaining negotiations between public employers and their employees or their representatives;

(f) Discussions or hearings which might lead to the appointment, discipline, or dismissal of an individual employee, member, or student without restricting that employee's, member's, or student's right to a public hearing if requested. This exception shall not be interpreted to permit discussion of general personnel matters in secret;

(g) Discussions between a public agency and a representative of a business entity and discussions concerning a specific proposal, if open discussions would jeopardize the siting, retention, expansion, or upgrading of the business;

(h) State and local cabinet meetings and executive cabinet meetings;

(i) Committees of the General Assembly other than standing committees;

(j) Deliberations of judicial or quasi-judicial bodies regarding individual adjudications or appointments, at which neither the person involved, his representatives, nor any other individual not a member of the agency's governing body or staff is present, but not including any meetings of planning commissions, zoning commissions, or boards of adjustment;

(k) ***That portion of a meeting devoted to a discussion of a specific public record exempted from disclosure under subsection (1)(i) of Section 5 of this Part;***

(l) Meetings which federal or state law specifically require to be conducted in privacy; and

m[~~(l)~~] Meetings which the Constitution provides shall be held in secret.

(2) Any series of less than quorum meetings, where the members attending one (1) or more of the meetings collectively constitute at least a quorum of the members of the public agency and where the meetings are held for the purpose of avoiding the requirements of subsection (1) of this section, shall be subject to the requirements of subsection (1) of this section. Nothing in this subsection shall be construed to prohibit discussions between individual members where the

purpose of the discussions is to educate the members on specific issues.

Section 3. KRS 61.815 is amended to read as follows:

(1) Except as provided in subsection (2) of this section, the following requirements shall be met as a condition for conducting closed sessions authorized by KRS 61.810:

(a) Notice shall be given in regular open meeting of the general nature of the business to be discussed in closed session, the reason for the closed session, and the specific provision of KRS 61.810 authorizing the closed session;

(b) Closed sessions may be held only after a motion is made and carried by a majority vote in open, public session;

(c) No final action may be taken at a closed session; and

(d) No matters may be discussed at a closed session other than those publicly announced prior to convening the closed session.

(2) Public agencies and activities of public agencies identified in paragraphs (a), (c), (d), (e), (f), but only so far as (f) relates to students, (g), (h), (i), (j), (k),[~~ and~~] (l)***, and (m)*** of subsection (1) of KRS 61.810 shall be excluded from the requirements of subsection (1) of this section.

Section 4. KRS 61.870 is amended to read as follows:

As used in KRS 61.872 to 61.884, unless the context requires otherwise:

(1) "Public agency" means:

(a) Every state or local government officer;

(b) Every state or local government department, division, bureau, board, commission, and authority;

(c) Every state or local legislative board, commission, committee, and officer;

(d) Every county and city governing body, council, school district board, special district board, and municipal corporation;

(e) Every state or local court or judicial agency;

(f) Every state or local government agency, including the policy-making board of an institution of education, created by or pursuant to state or local statute, executive order, ordinance, resolution, or other legislative act;

(g) Any body created by state or local authority in any branch of government;

(h) Any body which derives at least twenty-five percent (25%) of its funds expended by it in the Commonwealth of Kentucky from state or local authority funds;

(i) ***Any entity involved in producing or financing arts or arts programs on a local or statewide basis which during the previous eighteen (18) months received twenty-five thousand dollars ($25,000) or more from a state or local governmental unit appropriation, grant, or any combination thereof;***

(j) Any entity where the majority of its governing body is appointed by a public agency as defined in paragraph (a), (b), (c), (d), (e), (f), (g), (h), ***(i)***[~~(j)~~],[~~ or~~] (k)***, or (l)*** of this subsection; by a member or employee of such a public agency; or by any combination thereof;

(k)[~~(j)~~] Any board, commission, committee, subcommittee, ad hoc committee, advisory committee, council, or agency, except for a committee of a hospital medical staff, established, created, and controlled by a public agency as defined in paragraph (a), (b), (c), (d), (e), (f), (g), (h), (i), ***(j),*** or ***(l)***[~~(k)~~] of this subsection; and

(l)[~~(k)~~] Any interagency body of two (2) or more public agencies where each public agency is defined in paragraph (a), (b), (c), (d), (e), (f), (g), (h), (i), [~~or~~] (j)***, or (k)*** of this subsection;

(2) "Public record" means all books, papers, maps, photographs, cards, tapes, discs, diskettes, recordings, software, or other documentation regardless of physical form or characteristics, which are prepared, owned, used, in the possession of or retained by a public agency. "Public record" shall not include any records owned or maintained by or for a body referred to in subsection (1)(h) of this section that are not related to functions, activities, programs, or operations funded by state or local authority;

(3) (a) "Software" means the program code which makes a computer system function, but does not include that portion of the program code which contains public records exempted from inspection as provided by KRS 61.878 or specific addresses of files, passwords, access codes, user identifications, or any other mechanism for controlling the security or restricting access to public records in the public agency's computer system.

(b) "Software" consists of the operating system, application programs, procedures, routines, and subroutines such as translators and utility programs, but does not include that material which is prohibited from disclosure or copying by a license agreement between a public agency and an outside entity which supplied the material to the agency;

(4) (a) "Commercial purpose" means the direct or indirect use of any part of a public record or records, in any form, for sale, resale, solicitation, rent, or lease of a service, or any use by which the user expects a profit either through commission, salary, or fee.

(b) "Commercial purpose" shall not include:

1. Publication or related use of a public record by a newspaper or periodical;

2. Use of a public record by a radio or television station in its news or other informational programs; or

3. Use of a public record in the preparation for prosecution or defense of litigation, or claims settlement by the parties to such action, or the attorneys representing the parties;

(5) "Official custodian" means the chief administrative officer or any other officer or employee of a public agency who is responsible for the maintenance, care and keeping of public records, regardless of whether such records are in his actual personal custody and control;

(6) "Custodian" means the official custodian or any authorized person having personal custody and control of public records;

(7) "Media" means the physical material in or on which records may be stored or represented, and which may include, but is not limited to paper, microform, disks, diskettes, optical disks, magnetic tapes, and cards; and

(8) "Mechanical processing" means any operation or other procedure which is transacted on a machine, and which may include, but is not limited to a copier, computer, recorder or tape processor, or other automated device.

Section 5. KRS 61.878 is amended to read as follows:

(1) The following public records are excluded from the application of KRS 61.870 to 61.884 and shall be subject to inspection only upon order of a court of competent jurisdiction, except that no court shall authorize the inspection by any party of any materials pertaining to civil litigation beyond that which is provided by the Rules of Civil Procedure governing pretrial discovery:

(a) Public records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy***, including public records containing the identities of individual and corporate donors to public agencies providing financial support to an institution of education and the amounts of the donations, unless:***

1. The donor authorizes the disclosure; or

2. Disclosing the identity of the donor is mandated by another statute or by federal law;

(b) Records confidentially disclosed to an agency and compiled and maintained for scientific research. This exemption shall not, however, apply to records the disclosure or publication of which is directed by another statute;

(c) 1. Upon and after July 15, 1992, records confidentially disclosed to an agency or required by an agency to be disclosed to it, generally recognized as confidential or proprietary, which if openly disclosed would permit an unfair commercial advantage to competitors of the entity that disclosed the records;

2. Upon and after July 15, 1992, records confidentially disclosed to an agency or required by an agency to be disclosed to it, generally recognized as confidential or proprietary, which are compiled and maintained:

a. In conjunction with an application for or the administration of a loan or grant;

b. In conjunction with an application for or the administration of assessments, incentives, inducements, and tax credits as described in KRS Chapter 154;

c. In conjunction with the regulation of commercial enterprise, including mineral exploration records, unpatented, secret commercially valuable plans, appliances, formulae, or processes, which are used for the making, preparing, compounding, treating, or processing of articles or materials which are trade commodities obtained from a person; or

d. For the grant or review of a license to do business.

3. The exemptions provided for in subparagraphs 1. and 2. of this paragraph shall not apply to records the disclosure or publication of which is directed by another statute;

(d) Public records pertaining to a prospective location of a business or industry where no previous public disclosure has been made of the business' or industry's interest in locating in, relocating within or expanding within the Commonwealth. This exemption shall not include those records pertaining to application to agencies for permits or licenses necessary to do business or to expand business operations within the state, except as provided in paragraph (c) of this subsection;

(e) Public records which are developed by an agency in conjunction with the regulation or supervision of financial institutions, including but not limited to, banks, savings and loan associations, and credit unions, which disclose the agency's internal examining or audit criteria and related analytical methods;

(f) The contents of real estate appraisals, engineering or feasibility estimates and evaluations made by or for a public agency relative to acquisition of property, until such time as all of the property has been acquired. The law of eminent domain shall not be affected by this provision;

(g) Test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment, or academic examination before the exam is given or if it is to be given again;

(h) Records of law enforcement agencies or agencies involved in administrative adjudication that were compiled in the process of detecting and investigating statutory or regulatory violations if the disclosure of the information would harm the agency by revealing the identity of informants not otherwise known or by premature release of information to be used in a prospective law enforcement action or administrative adjudication. Unless exempted by other provisions of KRS 61.870 to 61.884, public records exempted under this provision shall be open after enforcement action is completed or a decision is made to take no action; however, records or information compiled and maintained by county attorneys or Commonwealth's attorneys pertaining to criminal investigations or criminal litigation shall be exempted from the provisions of KRS 61.870 to 61.884 and shall remain exempted after enforcement action, including litigation, is completed or a decision is made to take no action. The exemptions provided by this subsection shall not be used by the custodian of the records to delay or impede the exercise of rights granted by KRS 61.870 to 61.884;

(i) ***1. Public records the disclosure of which would have a reasonable likelihood of threatening the public safety by exposing a vulnerability in preventing, protecting against, mitigating, or responding to a terrorist act and limited to:***

a. Criticality lists resulting from consequence assessments;

b. Vulnerability assessments;

c. Antiterrorism protective measures and plans;

d. Counter-terrorism measures and plans;

e. Security and response needs assessments;

f. Infrastructure records that expose a vulnerability referred to in this subparagraph through the disclosure of the location, configuration, or security of critical systems, including public utility critical systems. These critical systems shall include but not be limited to information technology, communication, electrical, fire suppression, ventilation, water, wastewater, sewage, and gas systems; and

g. The following records when their disclosure will expose a vulnerability referred to in this subparagraph: detailed drawings, schematics, maps, or specifications of structural elements, floor plans, and operating, utility, or security systems of any building or facility owned, occupied, leased, or maintained by a public agency.

2. As used in this paragraph, "terrorist act" means a criminal act intended to:

a. Intimidate or coerce a public agency or all or part of the civilian population;

b. Disrupt a system identified in subparagraph 1.f. of this paragraph; or

c. Cause massive destruction to a building or facility owned, occupied, leased, or maintained by a public agency.

3. On the same day that a public agency denies a request to inspect a public record identified in this paragraph, that public agency shall forward a copy of the written denial of the request, referred to in KRS 61.880(1), to the executive director of the Office for Security Coordination;

(j) Public or private records, including books, papers, maps, photographs, cards, tapes, discs, diskettes, recordings, software, or other documentation regardless of physical form or characteristics, having historic, literary, artistic, or commemorative value accepted by the archivist of a public university, museum, or government depository from a donor or depositor other than a public agency. This exemption shall apply to the extent that nondisclosure is requested in writing by the donor or depositor of such records, but shall not apply to records the disclosure or publication of which is mandated by another statute or by federal law;

(k) Preliminary drafts, notes, correspondence with private individuals, other than correspondence which is intended to give notice of final action of a public agency;

(l)[~~(j)~~] Preliminary recommendations, and preliminary memoranda in which opinions are expressed or policies formulated or recommended;

(m)[~~(k)~~] All public records or information the disclosure of which is prohibited by federal law or regulation; and

(n)[~~(l)~~] Public records or information the disclosure of which is prohibited or restricted or otherwise made confidential by enactment of the General Assembly.

(2) No exemption in this section shall be construed to prohibit disclosure of statistical information not descriptive of any readily identifiable person.

(3) No exemption in this section shall be construed to deny, abridge, or impede the right of a public agency employee, including university employees, an applicant for employment, or an eligible on a register to inspect and to copy any record including preliminary and other supporting documentation that relates to him. The records shall include, but not be limited to, work plans, job performance, demotions, evaluations, promotions, compensation, classification, reallocation, transfers, layoffs, disciplinary actions, examination scores, and preliminary and other supporting documentation. A public agency employee, including university employees, applicant, or eligible shall not have the right to inspect or to copy any examination or any documents relating to ongoing criminal or administrative investigations by an agency.

(4) If any public record contains material which is not excepted under this section, the public agency shall separate the excepted and make the nonexcepted material available for examination.

(5) The provisions of this section shall in no way prohibit or limit the exchange of public records or the sharing of information between public agencies when the exchange is serving a legitimate governmental need or is necessary in the performance of a legitimate government function.

Section 6. KRS 319.082 is amended to read as follows:

(1) The board may suspend, revoke, or refuse to issue or renew a license; may accept an assurance of voluntary compliance; restrict, or place a credential holder on probation; or issue an administrative reprimand or private admonishment upon proof that the credential holder has:

(a) Committed any act involving moral turpitude, dishonesty, or corruption, relating to the practice of psychology, whether the act constitutes a crime or not. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to disciplinary action. Upon conviction of such a crime, the judgment and sentence is presumptive evidence at the ensuing disciplinary hearing of the guilt of the licensee or applicant of the crime described in the indictment or information and of the person's violation of the statute on which it is based. For the purpose of this subsection, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for the conviction and all proceedings in which the sentence has been deferred or suspended;

(b) Misrepresented or concealed a material fact in obtaining a license, or in reinstatement thereof;

(c) Committed any unfair, false, misleading, or deceptive act or practice;

(d) Been incompetent or negligent in the practice of psychology;

(e) Practiced psychology while under the suspension, revocation, or restriction of the individual's license to practice by competent authority in any state, federal, or foreign jurisdiction;

(f) Violated any state statute or administrative regulation governing the practice of psychology;

(g) Unlawfully failed to cooperate with the board by:

1. Not furnishing any papers or documents requested by the board;

2. Not furnishing in writing a complete explanation covering the matter contained in the complaint filed with the board;

3. Not appearing before the board at the time and place designated; or

4. Not properly responding to subpoenas issued by the board;

(h) Failed to comply with an order issued by the board or an assurance of voluntary compliance;

(i) Aided or abetted an unlicensed person to practice when a license or certificate is required;

(j) Grossly overcharged for professional services;

(k) Practiced beyond the scope demonstrated by an appropriate combination of knowledge, skill, experience, training, and education;

(l) Failed to provide adequate supervision for certified psychologists, licensed psychological associates, applicants for licensure, or other staff;

(m) Been convicted of any misdemeanor or felony relating to the practice of psychology. For the purposes of this subsection, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for conviction and all proceedings in which the sentence has been deferred or suspended;

(n) Physically abused or had sexual contact with a patient, client, student, or supervisee;

(o) Been convicted of a misdemeanor offense under KRS Chapter 510 involving a client, patient, or student, or a felony offense under KRS Chapter 510, 530.064, or 531.310, or been found by the board to have had sexual contact as defined in KRS 510.010 with a client, patient, student, or supervisee;

(p) Improperly divulged confidential information;

(q) Exercised undue influence in such a manner as to exploit the client, patient, student, or supervisee for financial or other personal advantage to the practitioner or a third party;

(r) Showed an inability to practice psychology with reasonable skill and safety to patients or clients by reason of illness, misuse of drugs, narcotics, alcohol, chemicals, or any other substance, or as a result of any mental or physical condition; or

(s) Failed to comply with the requirements of the board for continuing education.

(2) Private admonishment shall not be subject to disclosure to the public under KRS 61.878(1)***(n)***[~~(l)~~] and shall not constitute disciplinary action, but may be used by the board for statistical purposes or in subsequent disciplinary action against the credential holder or applicant.

(3) No unlawful act or violation of any provision of this chapter by any credential holder employed or supervised by a licensed psychologist shall be cause for the revocation of the supervisor's license, unless the board finds that the licensed

psychologist had knowledge of it.

(4) Three (3) years from the date of a revocation, any person whose license has been revoked may petition the board for reinstatement. The board shall investigate his or her petition and may reinstate his or her license upon finding that the former licensee has complied with the provisions of this chapter and administrative regulations promulgated by the board and is again able to engage in the practice of psychology with reasonable skill, competency, and safety to the public.

(5) The board may, at its own discretion, reconsider, modify, or reverse its probations, suspensions, revocations, restrictions, or refusals to issue or renew licenses at any time.

Section 7. KRS 327.070 is amended to read as follows:

(1) The board, after due notice and an opportunity for an administrative hearing conducted in accordance with KRS Chapter 13B may take any one (1) or a combination of the following actions against any licensee, certificate holder, or applicant:

(a) Refuse to license or certify any applicant;

(b) Refuse to renew the license or certificate of any person;

(c) Suspend or revoke or place on probation the license or certificate of any person;

(d) Impose restrictions on the scope of practice of any person;

(e) Issue an administrative reprimand to any person;

(f) Issue a private admonishment to any person; and

(g) Impose fines for violations of this chapter not to exceed two thousand five hundred dollars ($2,500).

(2) The following acts by a licensee, certificate holder, or applicant may be considered cause for disciplinary action:

(a) Indulgence in excessive use of alcoholic beverages or abusive use of controlled substances;

(b) Engaging in, permitting, or attempting to engage in or permit the performance of substandard patient care by himself or by persons working under his supervision due to a deliberate or negligent act or failure to act, regardless of whether actual injury to the patient is established;

(c) Having engaged in or attempted to engage in a course of lewd or immoral conduct with any person:

1. While that person is a patient of a health care facility defined by KRS 216B.015 where the physical therapist or physical therapist's assistant provides physical therapy services; or

2. While that person is a patient or client of the physical therapist or physical therapist's assistant;

(d) Having sexual contact, as defined by KRS 510.010(7), without the consent of both parties, with an employee or coworker of the licensee or certificate holder;

(e) Sexually harassing an employee or coworker of the licensee or certificate holder;

(f) Conviction of a felony or misdemeanor in the courts of this state or any other state, territory, or country which affects his ability to continue to practice competently and safely on the public. "Conviction," as used in this paragraph, shall include a finding or verdict of guilt, an admission of guilt, or a plea of nolo contendere;

(g) Obtaining or attempting to obtain a license or certificate by fraud or material misrepresentation or making any other false statement to the board;

(h) Engaging in fraud or material deception in the delivery of professional services, including reimbursement, or advertising services in a false or misleading manner;

(i) Evidence of gross negligence or gross incompetence in his practice of physical therapy;

(j) Documentation of being declared mentally disabled by a court of competent jurisdiction and not thereafter having had his rights restored;

(k) Failing or refusing to obey any lawful order or administrative regulation of the board;

(l) Promoting for personal gain an unnecessary device, treatment, procedure, or service, or directing or requiring a patient to purchase a device, treatment, procedure, or service from a facility or business in which he has a financial interest; and

(m) Being impaired by reason of a mental, physical, or other condition that impedes his or her ability to practice competently.

(3) A private admonishment shall not be subject to disclosure to the public under KRS 61.878(1)*(n)*[~~(l)~~]. A private admonishment shall not constitute disciplinary action but may be used by the board for statistical purposes or in subsequent disciplinary action against the same licensee, certificate holder, or applicant.

Section 8. KRS 342.347 is amended to read as follows:

(1) The commissioner or his designee shall have power to examine the financial condition and affairs related to workers' compensation of any individual self-insureds or self-insured groups and shall have free access to books and documents relating to the self-insurance activities of the entity. The commissioner shall so examine each self-insured not less frequently than once every four (4) years. Information obtained through the examination shall be exempt from disclosure, under KRS 61.878(1)*(l)*[~~(j)~~].

(2) All individual self-insured employers and self-insurance groups shall file with the commissioner a statement of financial condition audited by an independent certified public accountant on or before one hundred twenty (120) days from the end of the self-insured's fiscal year for the immediately preceding fiscal year. For self-insurance groups, the financial statement shall include an actuarial opinion by a member or fellow of the Casualty Actuarial Society and a supporting reserve study regarding reserves for claims and expenses associated therewith. The reserve study shall include documentation sufficient for another actuary practicing in the same field to evaluate the work. The documentation shall describe clearly the sources of data, material assumptions, and methods used. Such documentation shall include, but not be limited to, the following:

(a) Case reserves on known cases by accident period, both for losses and allocated loss adjustment expenses;

(b) Estimates of claims that have been incurred but not reported by accident period for both losses and allocated loss adjustment expenses;

(c) The method of discounting and the discount rate selected for case reserves and incurred but not reported losses; and

(d) Estimates of ultimate losses and allocated loss adjustment expenses for the prospective accident period and unallocated loss adjustment reserves.

(3) The expense of examination shall be borne by the entity examined and shall include reasonable lodging and travel expenses of the commissioners' designees, and expert assistance as necessarily incurred in the examination.

(4) The Department of Insurance shall approve the form and contents of excess insurance policies and upon request of the commissioner shall review the application for approval of any self-insured and render an opinion as to the sufficiency of the excess insurance policies or other security posted by the applicant.

(5) Not less often than biennially the commissioner of the Department of Insurance shall review the activities, procedures, administrative regulations, and policies of the Department of Workers' Claims and make such recommendations to the Governor and legislative committees as may be appropriate to strengthen the oversight of self-insureds so that payment of liabilities to workers under this chapter is assured.

PART XIX

ELECTRONIC AVAILABILITY OF ADMINISTRATIVE REGULATIONS

Notwithstanding KRS 48.310, the following statute is amended to read as follows, and shall have permanent effect subject to future actions of the General Assembly:

Section 1. KRS 13A.270 is amended to read as follows:

(1) (a) In addition to the public comment period required by paragraph (c) of this subsection, following publication in the Administrative Register of the text of an administrative regulation, the administrative body shall, unless authorized to cancel the hearing pursuant to subsection (5) of this section, hold a hearing, open to the public, on the administrative regulation.

(b) The public hearing shall not be held before the twenty-first day or later than the last workday of the month in which the administrative regulation is published in the Administrative Register.

(c) The administrative body shall accept written comments regarding the administrative regulation for a period of thirty (30) days following the publication of the administrative regulation in the Administrative Register. If the thirtieth day of the comment period falls on a Saturday, Sunday, or holiday, the last day of the comment period shall be the workday following the Saturday, Sunday, or holiday.

(2) Each administrative regulation shall state:

(a) The place, time, and date of the scheduled public hearing;

(b) The manner in which interested persons shall submit their:

1. Notification of attending the public hearing; and

2. Written comments;

(c) That notification of attending the public hearing shall be transmitted to the administrative body no later than five (5) workdays prior to the date of the scheduled public hearing;

(d) The deadline for submitting written comments regarding the administrative regulation in accordance with paragraph (c) of subsection (1) of this section; and

(e) The name, position, address, and telephone and facsimile numbers of the person to whom a notification and written comments shall be transmitted.

(3) (a) An administrative body shall provide a form to be completed and filed by a person who wishes to be notified that the administrative body has filed an administrative regulation. This registration shall be valid for a period of four (4) years from the date the form is filed with the administrative body, or until the person submits a written request to be removed from the notification list, whichever occurs first. ***The form shall include an optional space for the person to voluntarily provide an e-mail address in order to receive a copy of the administrative regulation electronically. The collected e-mail addresses shall be used solely for the purposes of this subsection and shall not be sold, transferred, or otherwise made available to third parties.***

(b) A copy of the administrative regulation as filed, and all attachments required by KRS 13A.230(1), shall be *e-mailed*[~~mailed~~]:

1. To every person who has*:*

a. Filed this form with the administrative body; *and*

b. Provided an e-mail address to the administrative body;

2. Within five (5) working days after the date the administrative regulation is filed with the Commission; and

3. With a *request*[~~cover letter~~] from the administrative body requesting that affected individuals, businesses, or other entities submit written comments that identify the anticipated effects of the proposed administrative regulation.

(c) Within five (5) working days after the date the administrative regulation is filed with the Commission, the administrative body shall mail the following information to every person who has filed the form with the administrative body but did not provide an e-mail address:

1. A cover letter from the administrative body requesting that affected individuals, businesses, or other entities submit written comments that identify the anticipated effects of the proposed administrative regulation;

2. A copy of the regulatory impact analysis required by KRS 13A.240 completed in detail sufficient to put the individual on notice as to the specific contents of the administrative regulation, including all proposed amendments to the administrative regulation; and

3. A statement that a copy of the administrative regulation may be obtained from the Commission's Web site, which can be accessed online through public libraries or any computer with Internet access.

(4) Persons desiring to be heard at the hearing shall notify the administrative body in writing as to their desire to appear and testify at the hearing not less than five (5) workdays before the scheduled date of the hearing.

(5) The administrative body shall immediately notify the regulations compiler by telephone and by letter if:

(a) No written notice of intent to attend the public hearing is received by the administrative body at least five (5) workdays before the scheduled hearing, and it chooses to cancel the public hearing; and

(b) No written comments have been received by the close of the last day of the public comment period.

(6) (a) Upon receipt from interested persons of their intent to attend a public hearing, the administrative body shall notify the regulations compiler by telephone and by letter that the public hearing shall be held.

(b) Upon receipt of written comments, the administrative body shall notify the regulations compiler by telephone and by letter that written comments have been received.

(7) Every hearing shall be conducted in such a manner as to guarantee each person who wishes to offer comment a fair and reasonable opportunity to do so, whether or not such person has given the notice contemplated by subsection (4) of this section. No transcript need be taken of the hearing, unless a written request for a transcript is made, in which case the person requesting the transcript shall have the responsibility of paying for same. A recording may be made in lieu of a transcript under the same terms and conditions as a transcript. This section shall not preclude an administrative body from making a transcript or making a recording if it so desires.

(8) Nothing in this section shall be construed as requiring a separate hearing on each administrative regulation. Administrative regulations may be grouped at the convenience of the administrative body for purposes of hearings required by this section.

PART XX

TAX CREDITS FOR BIODIESEL

Notwithstanding KRS 48.310, the following statutes are created to read as follows, and shall have permanent effect, subject to future actions by the General Assembly:

SECTION 1. A NEW SECTION OF KRS CHAPTER 142 IS CREATED TO READ AS FOLLOWS:

As used in Sections 1 to 6 of this Part, unless the context requires otherwise:

(1) "Biodiesel" means a renewable, biodegradable, mono alkyl ester combustible liquid fuel derived from agriculture plant oils or animal fats that meets American Society for Testing and Materials specification D6751-02 for biodiesel fuel (B100) blend stock distillate fuels;

(2) "Blended biodiesel" means a blend of biodiesel with petroleum diesel so that the percentage of biodiesel in the blend is at least two percent (2%) (B2 or greater);

(3) "Service station" means a retail outlet where motor fuel is sold from a metered pump;

(4) "State tax liability" means a taxpayer's total liability under:

(a) KRS 141.020, the individual income tax;

(b) KRS 141.040, the corporation income tax; and

(c) KRS 136.070, the corporation license tax; and

(5) "Taxpayer" means any individual or entity that has any state tax liability.

SECTION 2. A NEW SECTION OF KRS CHAPTER 142 IS CREATED TO READ AS FOLLOWS:

(1) A taxpayer that produces biodiesel at a facility located in Kentucky shall be entitled to a nonrefundable tax credit against the taxpayer's state tax liability as certified by the cabinet in accordance with subsection (3) of this section. The credit shall be equal to one dollar ($1) multiplied by the number of gallons of biodiesel produced at the Kentucky facility during the calendar year and used to produce blended biodiesel.

(2) The total amount of tax credits allowed under this section shall not exceed one million dollars ($1,000,000) for all taxpayers for each calendar year.

(3) Each taxpayer claiming the tax credit under this section shall file with the cabinet a tax credit claim for the calendar year by January 31 of the following year. If the total amount of tax credits being claimed exceeds one million dollars ($1,000,000), the cabinet shall reduce each taxpayer's credits proportionally. The cabinet shall certify the amount of each taxpayer's tax credit by February 28 of each year, and the taxpayer shall claim the tax credit on the tax return filed in that year.

SECTION 3. A NEW SECTION OF KRS CHAPTER 142 IS CREATED TO READ AS FOLLOWS:

(1) A taxpayer that produces blended biodiesel at a facility located in Kentucky shall be entitled to a nonrefundable tax credit against the taxpayer's state tax liability as certified by the cabinet in accordance with subsection (3) of this section. The credit shall be equal to two cents ($0.02) multiplied by the number of gallons of blended biodiesel produced at the Kentucky facility by blending with biodiesel produced at a Kentucky facility during the calendar year.

(2) The total amount of credits allowed under this section shall not exceed one million dollars ($1,000,000) for all taxpayers for each taxable year.

(3) Each taxpayer claiming the tax credit under this section shall file with the cabinet a tax credit claim for the calendar year by January 31 of the following year. If the total amount of tax credits being claimed exceeds one million dollars ($1,000,000), the cabinet shall reduce each taxpayer's credits proportionally. The cabinet shall certify the amount of each taxpayer's tax credit by February 28 of each year, and the taxpayer shall claim the tax credit on the tax return filed in that year.

SECTION 4. A NEW SECTION OF KRS CHAPTER 142 IS CREATED TO READ AS FOLLOWS:

(1) A taxpayer that operates a service station in Kentucky at which blended biodiesel is sold and dispensed through a metered pump is entitled to a nonrefundable tax credit against the taxpayer's state tax liability as certified by the cabinet in accordance with subsection (4) of this section.

(2) The amount of the credit allowed under this section shall be equal to one cent ($0.01) multiplied by the total number of gallons of blended biodiesel sold and dispensed each calendar year through all the metered pumps located at the service station described in subsection (1) of this section.

(3) The total amount of tax credits allowed under this section shall not exceed one million dollars ($1,000,000) for all taxpayers for each calendar year.

(4) Each taxpayer claiming the tax credit under this section shall file with the cabinet a tax credit claim for the calendar year by January 31 of the following year. If the total amount of tax credits being claimed exceeds one million dollars ($1,000,000), the cabinet shall reduce each taxpayer's credits proportionally. The cabinet shall certify the amount of each taxpayer's tax credit by February 28 of each year, and the taxpayer shall claim the tax credit on the tax return filed in that year.

SECTION 5. A NEW SECTION OF KRS CHAPTER 142 IS CREATED TO READ AS FOLLOWS:

If the taxpayer is a pass-through entity, the tax credit shall pass through in the same proportion as the distributive share of income or loss is passed through.

SECTION 6. A NEW SECTION OF KRS CHAPTER 142 IS CREATED TO READ AS FOLLOWS:

(1) If the amount of the tax credit certified under Sections 2, 3, and 4 of this Part for a taxpayer in a taxable year exceeds the taxpayer's state tax liability for that taxable year, the taxpayer may carry over the excess to the following taxable years.

(2) A taxpayer is not entitled to a carryback or refund of any unused tax credits.

Section 7. This Part takes effect on January 1, 2005.

PART XXI

JOBS FOR KENTUCKY

Notwithstanding KRS 48.310, the following statutes are created or amended to read as follows, and shall have permanent effect, subject to future actions by the General Assembly. Notwithstanding KRS 48.310, the repeal of statutes in this Part shall have permanent effect, subject to future actions by the General Assembly. The word "Act" as used in this Part shall mean "Part."

Section 1. KRS 136.071 is amended to read as follows:

(1) Notwithstanding *the*[~~any other~~] provisions of *KRS 136.070*[~~this chapter~~], a corporation *that*[~~whose commercial domicile is~~

~~in this state and]~~ holds directly or indirectly stock or securities in other corporations equal to or greater than fifty percent (50%) of its total assets may, at the option of the taxpayer, ***compute capital employed in the business using one (1) of the following options:***

(a) The corporation and its subsidiaries may file a consolidated license tax return that computes capital employed in the business under KRS 136.070 and includes the parent corporation and all subsidiary corporations in which the parent corporation owns more than fifty percent (50%) of the outstanding stock; or

(b) The corporation may file a separate license tax return and deduct from capital, determined in accordance with KRS 136.070(2)~~[be considered as one (1) corporation for purposes of determining and apportioning total "capital," or compute its "capital" under KRS 136.070(2) as follows:~~

~~(a) Determine the corporation's total capital as provided in KRS 136.070(2).~~

~~(b) Deduct from the amount determined in subsection (a) of this section]~~, the book value of its investment in the stock and securities of any corporation in which it owns more than fifty percent (50%) of the outstanding stock of such corporation.

(2) For purposes of determining the ratio of stock and securities to total assets, the value shall be the value of the accounts as reflected on financial statements prepared for book purposes as of the last day of the calendar or fiscal year. The term "stock and securities" as used in this section means shares of stock in any corporation, certificates of stock or interest in any corporation, notes, bonds, debentures, and evidences of indebtedness. The term "book value" means the value as shown on financial statements prepared for book purposes as of the last day of the calendar or fiscal year.

Section 2. KRS 141.010 is amended to read as follows:

As used in this chapter, unless the context requires otherwise:

(1) "Secretary" means the secretary of revenue;

(2) "Cabinet" means the Revenue Cabinet;

(3) "Internal Revenue Code" means the Internal Revenue Code in effect on December 31, 2001, exclusive of any amendments made subsequent to that date, other than amendments that extend provisions in effect on December 31, 2001, that would otherwise terminate, and as modified by KRS 141.0101;

(4) "Dependent" means those persons defined as dependents in the Internal Revenue Code;

(5) "Fiduciary" means "fiduciary" as defined in Section 7701(a)(6) of the Internal Revenue Code;

(6) "Fiscal year" means "fiscal year" as defined in Section 7701(a)(24) of the Internal Revenue Code;

(7) "Individual" means a natural person;

(8) ***"Modified gross income" means adjusted gross income as defined in Section 62 of the Internal Revenue Code of 1986, including any subsequent amendments in effect on December 31 of the taxable year, and adjusted as follows:***

(a) Include interest income derived from obligations of sister states and political subdivisions thereof; and

(b) Include lump-sum pension distributions taxed under the special transition rule of Pub. L. 104-188, sec. 1401(c)(2)~~[For taxable years beginning on or after January 1, 1974, "federal income tax" means the amount of federal income tax actually paid or accrued for the taxable year on taxable income as defined in Section 63 of the Internal Revenue Code, and taxed under the provisions of this chapter, minus any federal tax credits actually utilized by the taxpayer]~~;

(9) "Gross income" in the case of taxpayers other than corporations means "gross income" as defined in Section 61 of the Internal Revenue Code;

(10) "Adjusted gross income" in the case of taxpayers other than corporations means gross income as defined in subsection (9) of this section minus the deductions allowed individuals by Section 62 of the Internal Revenue Code and as modified by KRS 141.0101 and adjusted as follows, except that deductions shall be limited to amounts allocable to income subject to taxation under the provisions of this chapter, and except that nothing in this chapter shall be construed to permit the same item to be deducted more than once:

(a) Exclude income that is exempt from state taxation by the Kentucky Constitution and the Constitution and statutory laws of the United States and Kentucky;

(b) Exclude income from supplemental annuities provided by the Railroad Retirement Act of 1937 as amended and which are subject to federal income tax by Public Law 89-699;

(c) Include interest income derived from obligations of sister states and political subdivisions thereof;

(d) Exclude employee pension contributions picked up as provided for in KRS 6.505, 16.545, 21.360, 61.560, 65.155, 67A.320, 67A.510, 78.610, and 161.540 upon a ruling by the Internal Revenue Service or the federal courts that these contributions shall not be included as gross income until such time as the contributions are distributed or made available to the employee;

(e) Exclude Social Security and railroad retirement benefits subject to federal income tax;

(f) Include, for taxable years ending before January 1, 1991, all overpayments of federal income tax refunded or credited for taxable years;

(g) Deduct, for taxable years ending before January 1, 1991, federal income tax paid for taxable years ending before January 1, 1990;

(h) Exclude any money received because of a settlement or judgment in a lawsuit brought against a manufacturer or distributor of "Agent Orange" for damages resulting from exposure to Agent Orange by a member or veteran of the Armed Forces of the United States or any dependent of such person who served in Vietnam;

(i) 1. ***For taxable years ending prior to December 31, 2004,*** exclude the applicable amount of total distributions from pension plans, annuity contracts, profit-sharing plans, retirement plans, or employee savings plans. [

~~2.~~]The "applicable amount" shall be:

a. Twenty-five percent (25%), but not more than six thousand two hundred fifty dollars ($6,250), for taxable years beginning after December 31, 1994, and before January 1, 1996;

b. Fifty percent (50%), but not more than twelve thousand five hundred dollars ($12,500), for taxable years beginning after December 31, 1995, and before January 1, 1997;

c. Seventy-five percent (75%), but not more than eighteen thousand seven hundred fifty dollars ($18,750), for taxable years beginning after December 31, 1996, and before January 1, 1998; and

d. One hundred percent (100%), but not more than thirty-five thousand dollars ($35,000), for taxable years beginning after December 31, 1997.

2. For taxable years beginning after December 31, 2004, exclude up to forty thousand two hundred dollars ($40,200) of total distributions from pension plans, annuity contracts, profit-sharing plans, retirement plans, or employee savings plans.

3. As used in this paragraph:

a. "Distributions" includes, but is not limited to, any lump-sum distribution from pension or profit-sharing plans qualifying for the income tax averaging provisions of Section 402 of the Internal Revenue Code; any distribution from an individual retirement account as defined in Section 408 of the Internal Revenue Code; and any disability pension distribution;

b. "Annuity contract" has the same meaning as set forth in Section 1035 of the Internal Revenue Code; and

c. "Pension plans, profit-sharing plans, retirement plans, or employee savings plans" means any trust or other entity created or organized under a written retirement plan and forming part of a stock bonus, pension, or profit-sharing plan of a public or private employer for the exclusive benefit of employees or their beneficiaries and includes plans qualified or unqualified under Section 401 of the Internal Revenue Code and individual retirement accounts as defined in Section 408 of the Internal Revenue Code;

(j) 1. a. Exclude ***the portion of*** the distributive share of a shareholder's net income from an S corporation subject to the franchise tax imposed under KRS 136.505 or the capital stock tax imposed under KRS 136.300; and

b. Exclude the portion of the distributive share of a shareholder's net income from an S corporation related to a qualified subchapter S subsidiary subject to the franchise tax imposed under KRS 136.505 or the capital stock tax imposed under KRS 136.300.

2. The shareholder's basis of stock held in a S corporation where the S corporation or its qualified subchapter S subsidiary is subject to the franchise tax imposed under KRS 136.505 or the capital stock tax imposed under KRS 136.300 shall be the same as the basis for federal income tax purposes;

(k) Exclude for taxable years beginning after December 31, 1998, to the extent not already excluded from gross income, any amounts paid for health insurance, or the value of any voucher or similar instrument used to provide health insurance, which constitutes medical care coverage for the taxpayer, the taxpayer's spouse, and dependents during the taxable year. Any amounts paid by the taxpayer for health insurance that are excluded pursuant to this paragraph shall not be allowed as a deduction in computing the taxpayer's net income under subsection (11) of this section;

(l) Exclude income received for services performed as a precinct worker for election training or for working at election booths in state, county, and local primary, regular, or special elections;

(m) Exclude any amount paid during the taxable year for insurance for long-term care as defined in KRS 304.14-600;

(n) Exclude any capital gains income attributable to property taken by eminent domain;

(o) Exclude any amount received by a producer of tobacco or a tobacco quota owner from the multistate settlement with the tobacco industry, known as the Master Settlement Agreement, signed on November 22, 1998;

(p) Exclude any amount received from the secondary settlement fund, referred to as "Phase II," established by tobacco companies to compensate tobacco farmers and quota owners for anticipated financial losses caused by the national tobacco settlement;~~[and]~~

(q) Exclude any amount received from funds of the Commodity Credit Corporation for the Tobacco Loss Assistance Program as a result of a reduction in the quantity of tobacco quota allotted***; and***

(r) Exclude any amount received as a result of a national tobacco quota buyout or buydown program, in which all quota owners and growers are eligible to participate;

(11) "Net income" in the case of taxpayers other than corporations means adjusted gross income as defined in subsection (10) of this section, minus the standard deduction allowed by KRS 141.081, or, at the option of the taxpayer, minus the deduction allowed by KRS 141.0202, minus any amount paid for vouchers or similar instruments that provide health insurance coverage to employees or their families, and minus all the deductions allowed individuals by Chapter 1 of the Internal Revenue Code as modified by KRS 141.0101 except those listed below, except that deductions shall be limited to amounts allocable to income subject to taxation under the provisions of this chapter and that nothing in this chapter shall be construed to permit the same item to be deducted more than once:

(a) Any deduction allowed by the Internal Revenue Code for state ***or foreign*** taxes measured by gross or net income~~[, except that such taxes paid to foreign countries may be deducted]~~;

(b) Any deduction allowed by the Internal Revenue Code for amounts allowable under KRS 140.090(1)(h) in calculating the value of the distributive shares of the estate of a decedent, unless there is filed with the income return a statement that such deduction has not been claimed under KRS 140.090(1)(h);

(c) The deduction for personal exemptions allowed under Section 151 of the Internal Revenue Code and any other deductions in lieu thereof; and

(d) Any deduction for amounts paid to any club, organization, or establishment which has been determined by the courts or an agency established by the General Assembly and charged with enforcing the civil rights laws of the Commonwealth, not to afford full and equal membership and full and equal enjoyment of its goods, services, facilities, privileges, advantages, or accommodations to any person because of race, color, religion, national origin, or sex, except nothing shall be construed to deny a deduction for amounts paid to any religious or denominational club, group, or establishment or any organization operated solely for charitable or educational purposes which restricts membership to persons of the same religion or denomination in order to promote the religious principles for which it is established and maintained;

(12) "Gross income," in the case of corporations, means "gross income" as defined in Section 61 of the Internal Revenue Code and as modified by KRS 141.0101 and adjusted as follows:

(a) Exclude income that is exempt from state taxation by the Kentucky Constitution and the Constitution and statutory laws of the United States;

(b) Exclude all dividend income received after December 31, 1969;

(c) Include interest income derived from obligations of sister states and political subdivisions thereof;

(d) Exclude fifty percent (50%) of gross income derived from any disposal of coal covered by Section 631(c) of the Internal Revenue Code if the corporation does not claim any deduction for percentage depletion, or for expenditures attributable to the making and administering of the contract under which such disposition occurs or to the preservation of the economic interests retained under such contract;

(e) Include in the gross income of lessors income tax payments made by lessees to lessors, under the provisions of Section 110 of the Internal Revenue Code, and exclude such payments from the gross income of lessees;

(f) Include the amount calculated under KRS 141.205;

(g) Ignore the provisions of Section 281 of the Internal Revenue Code in computing gross income;

(h) Exclude income from "safe harbor leases" (Section 168(f)(8) of the Internal Revenue Code);

(i) Exclude any amount received by a producer of tobacco or a tobacco quota owner from the multistate settlement with the tobacco industry, known as the Master Settlement Agreement, signed on November 22, 1998;

(j) Exclude any amount received from the secondary settlement fund, referred to as "Phase II," established by tobacco companies to compensate tobacco farmers and quota owners for anticipated financial losses caused by the national tobacco settlement;~~[and]~~

(k) Exclude any amount received from funds of the Commodity Credit Corporation for the Tobacco Loss Assistance Program as a result of a reduction in the quantity of tobacco quota allotted;

(l) Exclude the distributive share income or loss received from a corporation subject to the tax imposed by Section 6 of this Act; and

(m) Exclude any amount received as a result of a national tobacco quota buyout or buy down program, in which all quota owners and growers are eligible to participate;

(13) "Net income," in the case of corporations, means "gross income" as defined in subsection (12) of this section minus the deduction allowed by KRS 141.0202, minus any amount paid for vouchers or similar instruments that provide health insurance coverage to employees or their families, and minus all the deductions from gross income allowed corporations

by Chapter 1 of the Internal Revenue Code and as modified by KRS 141.0101, except the following:

(a) Any deduction for a state tax which is computed, in whole or in part, by reference to gross or net income and which is paid or accrued to any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or to any foreign country or political subdivision thereof;

(b) The deductions contained in Sections 243, 244, 245, and 247 of the Internal Revenue Code;

(c) The provisions of Section 281 of the Internal Revenue Code shall be ignored in computing net income;

(d) Any deduction directly or indirectly allocable to income which is either exempt from taxation or otherwise not taxed under the provisions of this chapter, and nothing in this chapter shall be construed to permit the same item to be deducted more than once;

(e) Exclude expenses related to "safe harbor leases" (Section 168(f)(8) of the Internal Revenue Code);[~~ and~~]

(f) Any deduction for amounts paid to any club, organization, or establishment which has been determined by the courts or an agency established by the General Assembly and charged with enforcing the civil rights laws of the Commonwealth, not to afford full and equal membership and full and equal enjoyment of its goods, services, facilities, privileges, advantages, or accommodations to any person because of race, color, religion, national origin, or sex, except nothing shall be construed to deny a deduction for amounts paid to any religious or denominational club, group, or establishment or any organization operated solely for charitable or educational purposes which restricts membership to persons of the same religion or denomination in order to promote the religious principles for which it is established and maintained; ***and***

(g) Any deduction prohibited by the provisions of Section 14 of this Act;

(14) (a) "Taxable net income," in the case of corporations ***that are taxable***[~~having property or payroll only~~] in this state, means "net income" as defined in subsection (13) of this section;

(b) "Taxable net income," in the case of corporations ***that are taxable in this state and taxable in another***[~~having property or payroll both within and without this~~] state***,*** means "net income" as defined in subsection (13) of this section and as allocated and apportioned under KRS 141.120***. A corporation is taxable in another state if, in any state other than Kentucky, the corporation is required to file a return for or pay a net income tax, franchise tax measured by net income, franchise tax for the privilege of doing business, or corporate stock tax***;

(c)[~~ "Property" means either real property or tangible personal property which is either owned or leased. "Payroll" means compensation paid to one (1) or more individuals, as described in KRS 141.120(8)(b). Property and payroll are deemed to be entirely within this state if all other states are prohibited by Public Law 86-272, as it existed on December 31, 1975, from enforcing income tax jurisdiction;~~

~~(d)~~] "Taxable net income" in the case of homeowners' associations as defined in Section 528(c) of the Internal Revenue Code, means "taxable income" as defined in Section 528(d) of the Internal Revenue Code. Notwithstanding the provisions of subsection (3) of this section, the Internal Revenue Code sections referred to in this paragraph shall be those code sections in effect for the applicable tax year; and

(d)[~~(e)~~]"Taxable net income" in the case of a corporation that meets the requirements established under Section 856 of the Internal Revenue Code to be a real estate investment trust, means "real estate investment trust taxable income" as defined in Section 857(b)(2) of the Internal Revenue Code;

(15) "Person" means "person" as defined in Section 7701(a)(1) of the Internal Revenue Code;

(16) "Taxable year" means the calendar year or fiscal year ending during such calendar year, upon the basis of which net income is computed, and in the case of a return made for a fractional part of a year under the provisions of this chapter or under regulations prescribed by the secretary, "taxable year" means the period for which ***the***[~~such~~] return is made;

(17) "Resident" means an individual domiciled within this state or an individual who is not domiciled in this state, but maintains a place of abode in this state and spends in the aggregate more than one hundred eighty-three (183) days of the taxable year in this state;

(18) "Nonresident" means any individual not a resident of this state;

(19) "Employer" means "employer" as defined in Section 3401(d) of the Internal Revenue Code;

(20) "Employee" means "employee" as defined in Section 3401(c) of the Internal Revenue Code;

(21) "Number of withholding exemptions claimed" means the number of withholding exemptions claimed in a withholding exemption certificate in effect under KRS 141.325, except that if no[~~ such~~] certificate is in effect, the number of withholding exemptions claimed shall be considered to be zero;

(22) "Wages" means "wages" as defined in Section 3401(a) of the Internal Revenue Code and includes other income subject to withholding as provided in Section 3401(f) and Section 3402(k), (o), (p), (q), and (s) of the Internal Revenue Code;

(23) "Payroll period" means "payroll period" as defined in Section 3401(b) of the Internal Revenue Code;

(24) "Corporations" means***:***

(a) "Corporations" as defined in Section 7701(a)(3) of the Internal Revenue Code;

(b) S corporations as defined in Section 1361(a) of the Internal Revenue Code;

(c) A foreign limited liability company as defined in KRS 275.015(6);

(d) A limited liability company as defined in KRS 275.015(8);

(e) A professional limited liability company as defined in KRS 275.015(19);

(f) A foreign limited partnership as defined in KRS 362.401(4);

(g) A limited partnership as defined in KRS 362.401(7);

(h) A registered limited liability partnership as defined in KRS 362.155(7);

(i) A real estate investment trust as defined in Section 856 of the Internal Revenue Code;

(j) A regulated investment company as defined in Section 851 of the Internal Revenue Code;

(k) A real estate mortgage investment conduit as defined in Section 860D of the Internal Revenue Code; and

(l) A financial asset securitization investment trust as defined in Section 860L of the Internal Revenue Code;

(25) "Doing business in this state" includes, but is not limited to:

(a) Being organized under the laws of this state;

(b) Having a commercial domicile in this state;

(c) Owning or leasing property in this state;

(d) Having one (1) or more individuals performing services in this state;

(e) Maintaining an interest in a general partnership doing business in this state;

(f) Deriving income from or attributable to sources within this state, including deriving income directly or indirectly from a trust doing business in this state; or

(g) Directing activities at Kentucky customers for the purpose of selling them goods or services that are not otherwise protected by Pub. L. No. 86-272

[~~(25) "S corporations" means "S corporations" as defined in Section 1361(a) of the Internal Revenue Code. Stockholders of a corporation qualifying as an "S corporation" under this chapter may elect to treat such qualification as an initial qualification under Subchapter S of the Internal Revenue Code Sections~~].

Section 3. KRS 141.011 is amended to read as follows:

(1) Notwithstanding any other provision of this chapter, the net operating loss carryback-carryforward deduction, including casualty loss, allowed under Section 172 of the Internal Revenue Code shall apply only to such losses incurred in taxable years beginning after December 31, 1979*,* and no such loss shall be carried back to taxable years beginning before January 1, 1980. Any casualty loss carryforward authorized by this section as it existed before January 1, 1980, may be carried forward as an itemized deduction until it has been fully deducted.

(2) The net operating loss carryback deduction shall not be allowed for losses incurred for taxable years beginning on or after January 1, 2005.

(3) For taxable years when the tax due under Section 6 of this Act is based on the alternative minimum calculation provided in paragraph (b) of subsection (5) of Section 6 of this Act, any net operating loss carryforward deduction that is utilized for the taxable year shall be the amount of taxable net income that exceeds the taxable net income equivalent of the alternative minimum calculation. For purposes of this subsection, "taxable net income equivalent" means the taxable net income that would generate an income tax equal to the alternative minimum calculation liability computed under the provisions of paragraph (b) of subsection (5) of Section 6 of this Act.

(4) For taxable years beginning on or after January 1, 2005, the net operating loss carryforward deduction of a corporation shall be reduced by the amount of distributive share income, loss, and deduction distributed to an individual or general partnership as defined in Section 15 of this Act.

Section 4. KRS 141.020 is amended to read as follows:

(1) An annual tax shall be paid for each taxable year by every resident individual of this state upon his entire net income as defined in this chapter. The tax shall be determined by applying the rates in subsection (2) *of this section* to net income and subtracting allowable tax credits provided in subsection (3) *of this section*.

(2) *(a) For taxable years beginning before January 1, 2005, the tax shall be determined by applying* the following rates[~~ shall be applied~~] to net income:

1.[~~(a)~~] Two percent (2%) of the amount of net income *up to*[~~not exceeding~~] three thousand dollars ($3,000);

2.[~~(b)~~] Three percent (3%) of the amount of net income *over*[~~in excess of~~] three thousand dollars ($3,000) *and up to*[~~but not in excess of~~] four thousand dollars ($4,000);

3.[~~(c)~~] Four percent (4%) of the amount of net income *over*[~~in excess of~~] four thousand dollars ($4,000) *and up to*[~~but not in excess of~~] five thousand dollars ($5,000);

4.[~~(d)~~] Five percent (5%) of the amount of net income *over*[~~in excess of~~] five thousand dollars ($5,000) *and up to*[~~but not in excess of~~] eight thousand dollars ($8,000); *and*

5.[~~(c)~~] Six percent (6%) of the amount of net income ***over***[~~in excess of~~] eight thousand dollars ($8,000).

(b) For taxable years beginning after December 31, 2004, the tax shall be determined by applying the following rates to net income:

1. Two percent (2%) of the amount of net income up to three thousand dollars ($3,000);

2. Three percent (3%) of the amount of net income over three thousand dollars ($3,000) and up to four thousand dollars ($4,000);

3. Four percent (4%) of the amount of net income over four thousand dollars ($4,000) and up to five thousand dollars ($5,000);

4. Five percent (5%) of the amount of net income over five thousand dollars ($5,000) and up to eight thousand dollars ($8,000); and

5. Five and seven tenths percent (5.7%) of the amount of net income over eight thousand dollars ($8,000).

(3) The following tax credits, when applicable, shall be deducted from the result obtained under subsection (2) to arrive at the annual tax:

(a) Twenty dollars ($20) for an unmarried individual;

(b) Twenty dollars ($20) for a married individual filing a separate return and an additional twenty dollars ($20) for the spouse of taxpayer if a separate return is made by the taxpayer and if the spouse, for the calendar year in which the taxable year of the taxpayer begins, had no Kentucky gross income and is not the dependent of another taxpayer; or forty dollars ($40) for married persons filing a joint return, provided neither spouse is the dependent of another taxpayer. The determination of marital status for the purpose of this section shall be made in the manner prescribed in Section 153 of the Internal Revenue Code;

(c) Twenty dollars ($20) credit for each dependent. No credit shall be allowed for any dependent who has made a joint return with his spouse;

(d) An additional forty dollars ($40) credit if the taxpayer has attained the age of sixty-five (65) before the close of the taxable year;

(e) An additional forty dollars ($40) credit for taxpayer's spouse if a separate return is made by the taxpayer and if the taxpayer's spouse has attained the age of sixty-five (65) before the close of the taxable year, and, for the calendar year in which the taxable year of the taxpayer begins, has no Kentucky gross income and is not the dependent of another taxpayer;

(f) An additional forty dollars ($40) credit if the taxpayer is blind at the close of the taxable year;

(g) An additional forty dollars ($40) credit for taxpayer's spouse if a separate return is made by the taxpayer and if the taxpayer's spouse is blind, and, for the calendar year in which the taxable year of the taxpayer begins, has no Kentucky gross income and is not the dependent of another taxpayer;

(h) In the case of nonresidents, the tax credits allowable under this subsection shall be ***the portion***[~~that proportion~~] of ***the credits***[~~those permitted therein~~] that ***are***[~~is~~] represented by the ratio of the taxpayer's Kentucky adjusted gross income as determined by KRS 141.010(10), without the adjustments contained in (f) and (g) of that subsection, to ***the taxpayer's***[~~his~~] adjusted gross income as defined in Section 62 of the Internal Revenue Code. However, in the case of a married nonresident taxpayer with income from Kentucky sources, whose spouse has no income from Kentucky sources, the taxpayer shall determine allowable tax credit(s) by either:

1. The method contained above applied to ***the taxpayer's***[~~his~~] tax credit(s), excluding credits for a spouse and dependents, or

2. Prorating ***the taxpayer's***[~~his~~] tax credit(s) plus the tax credits for ***the taxpayer's***[~~his~~] spouse and dependents by the ratio of ***the taxpayer's***[~~his~~] Kentucky adjusted gross income as determined by KRS 141.010(10), without the adjustments contained in (f) and (g) of that subsection, to the total joint federal adjusted gross income of the taxpayer and ***the taxpayer's***[~~his~~] spouse;

(i) In the case of an individual who becomes a resident of Kentucky during the taxable year, the tax credits allowable under this subsection shall be ***the***[~~that~~] portion of ***the credits***[~~those permitted therein that is~~] represented by the ratio of the taxpayer's Kentucky adjusted gross income as determined by subsection (10) of KRS 141.010, without the adjustments contained in paragraphs (f) and (g) of that subsection, to ***the taxpayer's***[~~his~~] adjusted gross income as defined in Section 62 of the Internal Revenue Code;

(j) In the case of a fiduciary, other than an estate, the allowable tax credit shall be two dollars ($2);

(k) In the case of an estate, the allowable tax credit shall be twenty dollars ($20);

(l) An additional twenty dollars ($20) credit ***shall be allowed*** if the taxpayer is a member of the Kentucky National Guard at the close of the taxable year.

(4) An annual tax shall be paid for each taxable year as specified in this section upon the entire net income except as herein provided, from all tangible property located in this state, from all intangible property that has acquired a business situs in this state, and from business, trade, profession, occupation, or other activities carried on in this state, by natural persons

not residents of this state. A nonresident individual shall be taxable only upon the amount of income received by ***the individual***[~~him~~] from labor performed, business done, or from other activities in this state, from tangible property located in this state, and from intangible property which has acquired a business situs in this state; provided, however, that the situs of intangible personal property shall be at the residence of the real or beneficial owner and not at the residence of a trustee having custody or possession thereof. The remainder of the income received by such nonresident shall be deemed nontaxable by this state.

(5) Subject to the provisions of KRS 141.081, any individual may elect to pay the annual tax imposed by KRS 141.023 in lieu of the tax levied under this section.

(6) An individual who becomes a resident of Kentucky during the taxable year is subject to taxation as prescribed in subsection (4) of this section prior to establishing such residence and as prescribed in subsection (1) of this section following the establishment of such residence.

(7) An individual who becomes a nonresident of Kentucky during the taxable year is subject to taxation, as prescribed in subsection (1) of this section, during that portion of the taxable year that ***the individual***[~~he~~] is a resident and, as prescribed in subsection (4) of this section, during that portion of the taxable year when ***the individual***[~~he~~] is a nonresident.

Section 5. KRS 141.0205 is amended to read as follows:

If a taxpayer is entitled to more than one (1) of the tax credits allowed against the tax imposed by KRS 141.020 or 141.040, the priority of application and use of the credits shall be determined as follows:

(1) The nonrefundable ***business incentive*** credits against the tax imposed by KRS 141.020 shall be taken in the following order:

  (a) The ***corporation income tax credit permitted by Section 15 of this Act***[~~individual credits permitted by KRS 141.020(3)~~];

  (b) The economic development credits computed under KRS 141.347, 141.400, 141.403, 141.407, and 154.12-2088;

  (c) The health insurance credit permitted by KRS 141.062;

  (d) The tax paid to other states credit permitted by KRS 141.070;

  (e) The credit for hiring the unemployed permitted by KRS 141.065;

  (f) The recycling or composting equipment credit permitted by KRS 141.390;

  (g) The tax credit for cash contributions in investment funds permitted by KRS 154.20-263 in effect prior to July 15, 2002, and the credit permitted by KRS 154.20-258;

  (h)[~~The low income credit permitted by KRS 141.066;~~

  ~~(i) The household and dependent care credit permitted by KRS 141.067;~~

  ~~(j)~~] The coal incentive credit permitted under KRS 141.0405;[~~and~~]

  (i)[~~(k)~~] The research facilities credit permitted under KRS 141.395***; and***

  (j) The employer GED incentive credit permitted under KRS 151B.127.

(2) After the application of the nonrefundable credits in subsection (1) of this section, the ***nonrefundable personal tax***[~~refundable~~] credits against the tax imposed by KRS 141.020 shall be taken in the following order:

  (a) The individual credits permitted by subsection (3) of Section 4 of this Act;

  (b) The credit permitted by Section 7 of this Act; and

  (c) The household and dependent care credit permitted by KRS 141.067.

(3) After the application of the nonrefundable credits provided for in subsection (2) of this section, the refundable credits against the tax imposed by Section 4 of this Act shall be taken in the following order:

  (a) The individual withholding tax credit permitted by KRS 141.350; and

  (b) The individual estimated tax payment credit permitted by KRS 141.305.

(4)[~~(3)~~] The nonrefundable credits against the tax imposed by KRS 141.040 shall be taken in the following order:

  (a) The economic development credits computed under KRS 141.347, 141.400, 141.403, 141.407, and 154.12-2088;

  (b) The health insurance credit permitted by KRS 141.062;

  (c) The unemployment credit permitted by KRS 141.065;

  (d) The recycling or composting equipment credit permitted by KRS 141.390;

  (e) The coal conversion credit permitted by KRS 141.041;

  (f) The enterprise zone credit permitted by KRS 154.45-090***, for taxable periods ending prior to January 1, 2008***;

  (g) The tax credit for cash contributions to investment funds permitted by KRS 154.20-263 in effect prior to July 15, 2002, and the credit permitted by KRS 154.20-258;

  (g)[~~(h)~~] The coal incentive credit permitted under KRS 141.0405;[~~and~~]

(h)[~~(i)~~] The research facilities credit permitted under KRS 141.395***; and***

(i) The employer GED incentive credit permitted under KRS 151B.127.

(5)[~~(4)~~] After the application of the nonrefundable credits in subsection (3) of this section, the refundable corporation estimated tax payment credit permitted by KRS 141.044 shall be allowed as a credit against the tax imposed by KRS 141.040.

Section 6. KRS 141.040 is amended to read as follows:

(1) Every corporation ***doing business in***[~~organized under the laws of~~] this state[~~, every corporation having its commercial domicile as defined in KRS 141.120(1)(b) in this state, and every foreign corporation owning or leasing property located in this state or having one (1) or more individuals receiving compensation as defined in KRS 141.120(8)(b) in this state~~], except those corporations listed in paragraphs (a) to ***(h)***[~~(i)~~] of this subsection, shall pay for each taxable year a tax to be computed by the taxpayer on taxable net income ***or the alternative minimum calculation computed under this section*** at the rates specified in[~~ subsections (2), (3), and (4) of~~] this section:

(a)[~~ S corporations;~~

~~(b)~~] Financial institutions, as defined in KRS 136.500, except bankers banks organized under KRS 287.135;

(b)[~~(c)~~]Savings and loan associations organized under the laws of this state and under the laws of the United States and making loans to members only;

(c)[~~(d)~~]Banks for cooperatives;

(d)[~~(e)~~]Production credit associations;

(e)[~~(f)~~] Insurance companies, including farmers or other mutual hail, cyclone, windstorm, or fire insurance companies, insurers, and reciprocal underwriters;

(f)[~~(g)~~] Corporations ***or other entities*** exempt under Section 501 of the Internal Revenue Code;

(g)[~~(h)~~] Religious, educational, charitable, or like corporations not organized or conducted for pecuniary profit; and

(h)[~~(i)~~] Corporations ***whose only owned or leased property located in this state is located at the premises of a printer with which it has contracted for printing, provided that:***

1. The property consists of the final printed product, or copy from which the printed product is produced; and

2. The corporation has no individuals receiving compensation in this state as provided in paragraph (b) of subsection (8) of Section 9 of this Act[~~having no individuals receiving compensation as defined in KRS 141.120(8)(b) in this state, and whose only owned or leased property located in this state is located at the premises of a printer with which it has contracted for printing, if such property consists of the final printed product, property which becomes a part of the final printed product, or copy from which the printed product is produced~~].

(2) For tax years ending before January 1, 1990, the following rates shall apply:

(a) Three percent (3%) of the first twenty-five thousand dollars ($25,000) of taxable net income;

(b) Four percent (4%) of the amount of taxable net income in excess of twenty-five thousand dollars ($25,000), but not in excess of fifty thousand dollars ($50,000);

(c) Five percent (5%) of the amount of taxable net income in excess of fifty thousand dollars ($50,000), but not in excess of one hundred thousand dollars ($100,000);

(d) Six percent (6%) of the amount of taxable net income in excess of one hundred thousand dollars ($100,000), but not in excess of two hundred fifty thousand dollars ($250,000); and

(e) Seven and twenty-five one hundredths percent (7.25%) of the amount of taxable net income in excess of two hundred fifty thousand dollars ($250,000).

(3) For tax years beginning after December 31, 1989, ***and before January 1, 2005,*** the following rates shall apply:

(a) Four percent (4%) of the first twenty-five thousand dollars ($25,000) of taxable net income;

(b) Five percent (5%) of the amount of taxable net income in excess of twenty-five thousand dollars ($25,000) but not in excess of fifty thousand dollars ($50,000);

(c) Six percent (6%) of the amount of taxable net income in excess of fifty thousand dollars ($50,000), but not in excess of one hundred thousand dollars ($100,000);

(d) Seven percent (7%) of the amount of taxable net income in excess of one hundred thousand dollars ($100,000), but not in excess of two hundred fifty thousand dollars ($250,000); and

(e) Eight and twenty-five one hundredths percent (8.25%) of the amount of taxable net income in excess of two hundred fifty thousand dollars ($250,000).

(4) For tax years beginning before January 1, 1990, and ending after December 31, 1989, the tax shall be the sum of the amounts determined in paragraphs (a) and (b) as follows:

(a) Apply the tax rates in subsection (2) of this section to the taxable net income for the year and multiply the result by a fraction, the numerator of which is the number of days from the first day of the taxable year through December 31, 1989, and the denominator of which is the total number of days of the taxable year; and

(b) Apply the tax rates in subsection (3) of this section to the taxable net income for the year and multiply the result by a fraction, the numerator of which is the number of days from January 1, 1990, through the last day of the taxable year and the denominator of which is the total number of days of the taxable year.

(5) *For taxable years beginning on or after January 1, 2005, corporations subject to the tax imposed by this section shall pay the greater of the tax computed under paragraph (a) of this subsection or the tax computed under paragraph (b) of this subsection.*

(a) 1. Four percent (4%) of the first fifty thousand dollars ($50,000) of taxable net income;

2. Five percent (5%) of taxable net income over of fifty thousand dollars ($50,000) up to one hundred thousand dollars ($100,000); and

3. Six percent (6%) of taxable net income over one hundred thousand dollars ($100,000); or

(b) An alternative minimum calculation of nine and one-half cents ($0.095) per one hundred dollars ($100) of the corporation's gross receipts. For purposes of this paragraph, gross receipts means the numerator of the sales factor under the provisions of paragraph (c) of subsection (8) of Section 9 of this Act.

(6) A minimum of two hundred fifty dollars ($250) shall be due for the taxable year from each corporation subject to the tax imposed by this section, regardless of the application of any tax credits provided under this chapter or any other provision of the Kentucky Revised Statutes for which the business entity may qualify.

(7) The alternative minimum calculation portion of the tax computation provided in subsection (5) of this section shall not apply to:

(a) Public service corporations subject to tax under KRS 136.120;

(b) Open-end registered investment companies organized under the laws of this state and registered under the Investment Company Act of 1940;

(c) Any property or facility which has been certified as a fluidized bed energy production facility as defined in KRS 211.390; and

(d) An alcohol production facility as defined in KRS 247.910.

(8) (a) As used in this subsection, "qualified exempt organization" means an entity listed in paragraphs (a) to (h) of subsection (1) of this section and shall not include any entity whose exempt status has been disallowed by the Internal Revenue Service.

(b) Notwithstanding any other provisions of this section or Section 2 of this Act, any corporation of the type listed in paragraphs (b) to (h) of subsection (24) of Section 2 of this Act that is owned in whole or in part by a qualified exempt organization shall, in calculating it's taxable net income, and gross receipts, exclude the proportionate share of it's taxable net income, and gross receipts, attributable to the ownership interest of the qualified exempt organization.

(c) Any corporation that reduces taxable net income or gross receipts in accordance with paragraph (b) of this subsection shall disregard the ownership interest of the qualified exempt organization in determining the amount of credit available under subsection (10) of Section 15 of this Act.

(d) The Revenue Cabinet may promulgate an administrative regulation to further define "qualified exempt organization" to include an entity for which exemption is constitutionally or legally required, or to exclude any entity created primarily for tax avoidance purposes with no legitimate business purpose.

(9) (a) To the extent that a corporation identified in paragraphs (b) to (h) of subsection (24) of Section 2 of this Act is doing business in this state, any member, shareholder or partner of the corporation may elect to pay, on behalf of the corporation, his, her or its proportionate share of the tax imposed by this section against the corporation. If an election is made, the electing member, shareholder or partner shall be treated in the same manner as the corporation regarding the proportionate part of the tax paid by the member, shareholder or partner. An election made pursuant to this subsection shall not:

1. Be used by the Revenue Cabinet or the taxpayer to assert that the party making the election is doing business in Kentucky;

2. Result in an increase of the amount of credit allowable under subsection (10) of Section 15 of this Act; or

3. Apply to any corporation that is required to be included in a consolidated return under the provisions of subsections (2) to (5) and (9) to (12) of Section 13 of this Act.

(b) The Revenue Cabinet shall prescribe forms and promulgate regulations to execute and administer the provisions of this subsection[~~Every S corporation shall pay the tax imposed under subsection (1) of this section whenever the net capital gain of such corporation exceeds twenty-five thousand dollars ($25,000), and exceeds fifty percent (50%) of its taxable income for the taxable year and its taxable income for such year exceeds twenty-five~~

~~thousand dollars ($25,000). The tax imposed by this subsection shall be the lower of:~~

~~(a) The tax determined by applying the rates in this section to the capital gains, in excess of twenty-five thousand dollars ($25,000), determined under the Internal Revenue Code; or~~

~~(b) The tax determined by applying the rates in this section to the taxable income, in excess of twenty-five thousand dollars ($25,000);~~

~~In no event shall the tax levied by this subsection apply if Section 1374 of the Internal Revenue Code would exempt such capital gains from federal income tax]~~.

Section 7. KRS 141.066 is amended to read as follows:

(1) ***(a) For taxable years beginning before January 1, 2005, an***~~[A resident]~~ individual whose adjusted gross income does not exceed the amounts set out in ***paragraph (c) of this*** subsection~~[(3) of this section,]~~ shall be eligible for a nonrefundable "low income" tax credit. The credit shall be applied against the taxpayer's tax liability calculated under KRS 141.020, and shall be taken in the order established by KRS 141.0205.

(b)~~[(2)]~~ For a husband and wife filing jointly, the "low income" tax credit shall be computed on the basis of their joint adjusted gross income and shall be ***applied against***~~[deductible from]~~ their joint tax liability. For a husband and wife living together, whether filing separate returns or ***filing*** separately on a combined return, the "low income" credit shall be computed on the basis of their combined adjusted gross income, except that a separately computed~~[adjusted]~~ gross income of less than zero shall be treated as zero, and shall be ***applied against***~~[deductible from]~~ their combined tax liability.

(c)~~[(3)]~~The "low income" tax credit shall be computed as follows:

AMOUNT OF ADJUSTED GROSS INCOME	PERCENT OF TAX LIABILITY ALLOWED AS LOW INCOME TAX CREDIT
not over $5,000	100%
over $ 5,000 but not over $10,000	50%
over $10,000 but not over $15,000	25%
over $15,000 but not over $20,000	15%
over $20,000 but not over $25,000	5%
over $25,000	-0-

(2) (a) For taxable years beginning after December 31, 2004, an individual whose modified gross income does not exceed the amounts set out in paragraph (c) of this subsection shall be eligible for a nonrefundable "low income" tax credit. The credit shall be applied against the taxpayer's tax liability calculated under Section 4 of this Act, and shall be taken in the order established in Section 5 of this Act.

(b) For a husband and wife filing jointly, the "low income" tax credit shall be computed on the basis of their joint modified gross income and shall be applied against their joint tax liability. For a husband and wife living together, whether filing separate returns or filing separately on a combined return, the "low income" credit shall be computed on the basis of their combined modified gross income, except that a separately computed modified gross income of less than zero shall be treated as zero, and shall be applied against their combined tax liability.

(c) The "low income" tax credit shall be computed as follows:

AMOUNT OF MODIFIED GROSS INCOME	***PERCENT OF TAX LIABILITY ALLOWED AS LOW INCOME TAX CREDIT***
not over $12,000	***100%***
over $ 12,000 but not over $14,000	***50%***
over $14,000 but not over $16,000	***25%***
over $16,000 but not over $20,000	***15%***
over $20,000 but not over $25,000	***5%***
over $25,000	***-0-***

Section 8. KRS 141.068 is amended to read as follows:

(1) As used in this section, unless the context requires otherwise:

(a) "Authority" means the Kentucky Economic Development Finance Authority as created pursuant to KRS 154.20-010;

(b) "Investor" has the same meaning as set forth in KRS 154.20-254;

(c) "Investment fund" has the same meaning as set forth in KRS 154.20-254;

(d) "Investment fund manager" has the same meaning as set forth in KRS 154.20-254; and

(e) "Tax credit" means the credits provided for in KRS 154.20-258.

(2) (a) An investor which is an individual or a corporation shall be entitled to the credit certified by the authority under KRS 154.20-258 against the~~[income]~~ tax due computed as provided by KRS 141.020 or 141.040, respectively.

(b) The amount of the certified tax credit that may be claimed in any tax year of the investor shall be determined in accordance with the provisions of KRS 154.20-258.

(3) (a) In the case of an investor that is ***a general***~~[an S corporation, partnership, limited partnership, limited liability company, or limited liability]~~ partnership ***not subject to the tax imposed by Section 6 of this Act***, the amount of the tax credit certified by the authority under KRS 154.20-258 shall be apportioned among the~~[shareholders,]~~ partners~~[, or members thereof, as applicable,]~~ at the same ratio as the~~[shareholders',]~~ partners'~~[, or members']~~ distributive shares of income are determined for the tax year during which the amount of the credit is certified by the authority.

(b) The amount of the tax credit apportioned to each~~[shareholder]~~, partner~~[, or member]~~ that may be claimed in any tax year of the~~[shareholder,]~~ partner~~[, or member]~~ shall be determined in accordance with the provisions of KRS 154.20-258.

(4) (a) In the case of an investor that is a trust ***not subject to the tax imposed by Section 6 of this Act***, the amount of the tax credit certified by the authority under KRS 154.20-258 shall be apportioned to the trust and the beneficiaries on the basis of the income of the trust allocable to each for the tax year during which the tax credit is certified by the authority.

(b) The amount of tax credit apportioned to each trust or beneficiary that may be claimed in any tax year of the trust or beneficiary shall be determined in accordance with the provisions of KRS 154.20-258.

(5) The Revenue Cabinet shall promulgate administrative regulations under KRS Chapter 13A adopting forms and procedures for the reporting and administration of credits authorized by KRS 154.20-258.

Section 9. KRS 141.120 is amended to read as follows:

(1) As used in this section, unless the context requires otherwise:

(a) "Business income" means income arising from transactions and activity in the regular course of a trade or business of the corporation and includes income from tangible and intangible property if the acquisition, management, or disposition of the property constitutes integral parts of the corporation's regular trade or business operations;

(b) "Commercial domicile" means the principal place from which the trade or business of the corporation is managed;

(c) "Compensation" means wages, salaries, commissions, and any other form of remuneration paid or payable to employees for personal services;

(d) "Financial organization" means any bank, trust company, savings bank, industrial bank, land bank, safe deposit company, private banker, savings and loan association, credit union, cooperative bank, investment company, or any type of insurance company;

(e) "Nonbusiness income" means all income other than business income;

(f) "Public service company" means any business entity subject to taxation under KRS 136.120;

(g) "Sales" means all gross receipts of the corporation not allocated under subsections (3) through (7) of this section;

(h) "State" means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, and any foreign country or political subdivision thereof.

(2) Any corporation which is required by KRS 141.010(14)(b) to allocate and apportion its net income shall allocate and apportion its net income as provided in this section.

(3) Rents and royalties from real, intangible or tangible personal property, capital gains and losses, interest, or patent or copyright royalties, to the extent that they constitute nonbusiness income, shall be allocated as provided in subsections (4) through (7) of this section.

(4) (a) Net rents and royalties from real property located in this state are allocable to this state.

(b) Net rents and royalties from tangible personal property are allocable to this state if and to the extent that the property is utilized in this state; or in their entirety if the corporation's commercial domicile is in this state and the corporation is not organized under the laws of or taxable in the state in which the property is utilized.

(c) The extent of utilization of tangible personal property in a state is determined by multiplying the rents and royalties by a fraction, the numerator of which is the number of days of physical location of the property in the state during the rental or royalty period in the taxable year and the denominator of which is the number of days of physical location of the property everywhere during all rental or royalty periods in the taxable year. If the physical location of the property during the rental or royalty period is unknown or unascertainable by the corporation, the tangible personalty is utilized in the state in which the property was located at the time the rental or royalty payer obtained possession.

(d) Net rents and royalties from intangible personal property located in this state are allocable to this state. For purposes of this section, royalties from property leased in Kentucky shall be considered as royalties from intangible personal property.

(5) (a) Capital gains and losses from sales or other dispositions of real property located in this state are allocable to this state.

(b) Capital gains and losses from sales or other dispositions of tangible personal property are allocable to this state if the property had a situs in this state at the time of the sale, or the corporation's commercial domicile is in this state and the corporation is not taxable in the state in which the property had a situs.

(c) Capital gains and losses from sales or other dispositions of intangible personal property are allocable to this state if the corporation's commercial domicile is in this state.

(6) Interest is allocable to this state if the corporation's commercial domicile is in this state.

(7) (a) Patent and copyright royalties are allocable to this state if and to the extent that the patent or copyright is utilized by the payer in this state; or if and to the extent that the patent or copyright is utilized by the payer in a state in which the corporation is not taxable and the corporation's commercial domicile is in this state.

(b) A patent is utilized in a state to the extent that it is employed in production, fabrication, manufacturing, or other processing in the state or to the extent that a patented product is produced in the state. If the basis of receipts from patent royalties does not permit allocation to states or if the accounting procedures do not reflect states of utilization, the patent is utilized in the state in which the corporation's commercial domicile is located.

(c) A copyright is utilized in a state to the extent that printing or other publication originates in the state. If the basis of receipts from copyright royalties does not permit allocation to states or if the accounting procedures do not reflect states of utilization, the copyright is utilized in the state in which the corporation's commercial domicile is located.

(8) Except as provided[~~ for~~] in subsection (9) of this section, all business income shall be apportioned to this state by multiplying the income by a fraction, the numerator of which is the property factor***, representing twenty-five percent (25%) of the fraction,*** plus the payroll factor***, representing twenty-five percent (25%) of the fraction,*** plus the sales factor, ***representing fifty percent (50%) of the fraction,*** and the denominator of which is ***four (4), reduced by the number of factors, if any, having no denominator***[~~three (3); provided, however, that effective with taxable years beginning after July 31, 1985, in lieu of the equally weighted three (3) factor apportionment fraction based on property, payroll, and sales, an apportionment fraction composed of a sales factor representing fifty percent (50%) of the fraction, a property factor representing twenty-five percent (25%) of the fraction, and a payroll factor representing twenty-five percent (25%) of the fraction shall be used~~].

(a) The property factor is a fraction, the numerator of which is the average value of the corporation's real and tangible personal property owned or rented and used in this state during the tax period and the denominator of which is the average value of all the corporation's real and tangible personal property owned or rented and used during the tax period; provided, however, that property which has been certified as a pollution control facility as defined in KRS 224.01-300 shall be excluded from the property factor.

1. Property owned is valued at its original cost. If the original cost of any property is not determinable or is nominal or zero (0) the property shall be valued by the cabinet pursuant to administrative regulations promulgated by the cabinet. Property rented is valued at eight (8) times the net annual rental rate. Net annual rental rate is the annual rental rate paid by the corporation less any annual rental rate received by the corporation from subrentals, provided that the rental and subrentals are reasonable. If the cabinet determines that the annual rental or subrental rate is unreasonable, or if a nominal or zero (0) rate is charged, the cabinet may determine and apply the rental rate as will reasonably reflect the value of the property rented by the corporation.

2. The average value of property shall be determined by averaging the values at the beginning and ending of the tax period but the cabinet may require the averaging of monthly values during the tax period if reasonably required to reflect properly the average value of the property.

(b) The payroll factor is a fraction, the numerator of which is the total amount paid or payable in this state during the tax period by the corporation for compensation, and the denominator of which is the total compensation paid or payable by the corporation everywhere during the tax period. Compensation is paid or payable in this state if:

1. The individual's service is performed entirely within the state;

2. The individual's service is performed both within and without the state, but the service performed without the state is incidental to the individual's service within the state; or

3. Some of the service is performed in the state and the base of operations or, if there is no base of operations, the place from which the service is directed or controlled is in the state, or the base of operations or the place from which the service is directed or controlled is not in any state in which some part of the service is performed, but the individual's residence is in this state.

(c) 1. The sales factor is a fraction, the numerator of which is the total sales of the corporation in this state during the tax period, and the denominator of which is the total sales of the corporation everywhere during the tax period.

2. Sales of tangible personal property are in this state if:

a. The property is delivered or shipped to a purchaser, other than the United States government, or to the designee of the purchaser within this state regardless of the f.o.b. point or other conditions of the sale; or

b. The property is shipped from an office, store, warehouse, factory, or other place of storage in this state and the purchaser is the United States government.

3. Sales, other than sales of tangible personal property, are in this state if the income-producing activity is performed in this state; or the income-producing activity is performed both in and outside this state and a greater proportion of the income-producing activity is performed in this state than in any other state, based on costs of performance.

(9) (a) If the allocation and apportionment provisions of this section do not fairly represent the extent of the corporation's business activity in this state, the corporation may petition for or the cabinet may require, in respect to all or any part of the corporation's business activity, if reasonable:

1. Separate accounting;

2. The exclusion of any one (1) or more of the factors;

3. The inclusion of one (1) or more additional factors which will fairly represent the corporation's business activity in this state; or

4. The employment of any other method to effectuate an equitable allocation and apportionment of income.

(b) A corporation may elect the allocation and apportionment methods for the corporation's business income provided for in subparagraphs 1. and 2. of this paragraph. The election, if made, shall be irrevocable for a period of five years.

1. All business income derived directly or indirectly from the sale of management, distribution, or administration services to or on behalf of regulated investment companies, as defined under the Internal Revenue Code of 1986, as amended, including trustees, and sponsors or participants of employee benefit plans which have accounts in a regulated investment company, shall be apportioned to this state only to the extent that shareholders of the investment company are domiciled in this state as follows:

a. Total business income shall be multiplied by a fraction, the numerator of which shall be Kentucky receipts from the services for the tax period and the denominator of which shall be the total receipts everywhere from the services for the tax period.

b. For purposes of subdivision a. of this subparagraph, Kentucky receipts shall be determined by multiplying total receipts for the tax period from each separate investment company for which the services are performed by a fraction. The numerator of the fraction shall be the average of the number of shares owned by the investment company's shareholders domiciled in this state at the beginning of and at the end of the investment company's taxable year, and the denominator of the fraction shall be the average of the number of the shares owned by the investment company shareholders everywhere at the beginning of and at the end of the investment company's taxable year.

c. Nonbusiness income shall be allocated to this state as provided in subsections (4) through (7) of this section.

2. All business income derived directly or indirectly from the sale of securities brokerage services by a business which operates within the boundaries of any area of the Commonwealth, which on June 30, 1992, was designated as a Kentucky Enterprise Zone, as defined in KRS 154.655(2), shall be apportioned to this state only to the extent that customers of the securities brokerage firm are domiciled in this state. The portion of business income apportioned to Kentucky shall be determined by multiplying the total business income from the sale of these services by a fraction determined in the following manner:

a. The numerator of the fraction shall be the brokerage commissions and total margin interest paid in respect of brokerage accounts owned by customers domiciled in Kentucky for the brokerage firm's taxable year; and

b. The denominator of the fraction shall be the brokerage commissions and total margin interest paid in respect of brokerage accounts owned by all of the brokerage firm's customers for that year.

c. Nonbusiness income shall be allocated to this state as provided in subsections (4) through (7) of this section.

(10) Public service companies and financial organizations required by KRS 141.010(14)(b) to allocate and apportion net income shall allocate and apportion such income as follows:

(a) Nonbusiness income shall be allocated to this state as provided in subsections (4) through (7) of this section.

(b) Business income shall be apportioned to this state by multiplying the business income by a fraction, the numerator of which is the property factor***, representing twenty-five percent (25%) of the fraction,*** plus the payroll factor***, representing twenty-five percent (25%) of the fraction,*** plus the sales factor***, representing fifty percent (50%) of the fraction,*** and the denominator of which is ***four (4), reduced by the number of factors, if any, having no denominator***[~~three (3); provided, however, that effective with taxable years beginning after July 31, 1985, in lieu of the equally weighted three (3) factor apportionment fraction based on property, payroll, and sales, an apportionment fraction composed of a sales factor representing fifty percent (50%) of the fraction, a property factor representing twenty-five percent (25%) of the fraction, and a payroll factor representing twenty-five percent (25%) of the fraction shall be used~~]. The payroll factor shall be determined as provided in subsection (8)(b) of this section. The property factor and sales factor shall be determined as provided by administrative regulations promulgated by the cabinet.

(c) An affiliated group electing to file a consolidated return under KRS 141.200***(4)***[~~(3)~~] ***or required to file a consolidated return under subsection (11) of Section 13 of this Act*** that includes a public service company***, telephone or telegraph company principally engaged in the provision of communications service as defined in Section 96 of this Act,*** or financial organization shall determine the amount of payroll to be included in the apportionment factor as provided in subsection (8)(b) of this section. The amount of property and sales of the public service company or financial organization to be included in the apportionment factors of the affiliated group shall be determined in accordance with administrative regulations promulgated by the cabinet under paragraph (b) of this subsection.

Section 10. KRS 141.130 is amended to read as follows:

If any ***general***[~~ corporation or~~] partnership dissolves or withdraws from this state during any taxable year, or if any corporation in any manner surrenders or loses its charter during any taxable year, the dissolution, withdrawal or loss or surrender of charter shall not defeat the filing of returns and the assessment and collection of income taxes for the period of that taxable year during which the corporation or ***general*** partnership had an income in this state.

Section 11. KRS 141.140 is amended to read as follows:

(1) If the taxpayer makes, or is required to make, a federal income tax return, ***the taxpayer's***[~~his~~] income shall be computed for the purposes of this chapter on the basis of the same calendar or fiscal year required by the federal government, and ***the taxpayer***[~~he~~] shall employ the same methods of accounting required for federal income tax purposes.

(2) If a return is made by an individual for a period of less than one (1) year, the net income, computed on the basis of the period for which a separate return is made, shall be placed on an annual basis by multiplying the amount thereof by the number of days in the year and dividing by the number of days included in the period for which the separate return is made. The tax payable shall be such part of the tax computed on the annual basis as the number of days in the period is of the number of days in the year.

(3) If a return is made by a corporation for a period of less than one (1) year, the taxable net income, computed on the basis of the period for which a[~~ separate~~] return is made, shall be placed on an annual basis by multiplying the amount thereof by the number of days in the year and dividing by the number of days included in the period for which the[~~ separate~~] return is made. The tax payable shall be such part of the tax computed on the annual basis as the number of days in the period is of the number of days in the year.

Section 12. KRS 141.180 is amended to read as follows:

(1) ***For taxable years beginning before January 1, 2005:***

(a) Every individual, except as otherwise provided in this ***subsection***[~~section~~], having for the taxable year an adjusted gross income which exceeds five thousand dollars ($5,000), if single, or if married and not living with husband or wife and every married individual living with husband or wife whose adjusted gross income combined with the adjusted gross income of his or her spouse exceeds five thousand dollars ($5,000) shall make to the cabinet a return stating specifically the items which he claims as deductions and tax credits allowed by this chapter.

(b)[~~(2)~~] Any individual who is blind or who has attained the age of sixty-five (65) before the close of ***the***[~~his~~] taxable year shall be required to make a return only if ***the taxpayer***[~~he~~] has for the taxable year an adjusted gross income which exceeds five thousand dollars ($5,000). Every married individual living with husband or wife shall, if both spouses have attained the age of sixty-five (65), be required to make a return if the combined adjusted gross income of both spouses exceeds five thousand four hundred dollars ($5,400). If the individual is unable to make his ***or her*** own return, the return shall be made by a duly authorized agent.

(c)[~~(3)~~]Any individual, who is both sixty-five (65) or over and blind before the close of the taxable year, shall make a return if ***the taxpayer***[~~he~~] has for the taxable year an adjusted gross income which exceeds five thousand dollars ($5,000).

(d)[~~(4)~~] Notwithstanding any other provision of this ***subsection***[~~section~~], an individual, having for the taxable year gross income from self-employment of five thousand dollars ($5,000) or more, shall make a return.

(e)[~~(5)~~]Any nonresident individual with gross income from Kentucky sources and a total gross income of five thousand dollars ($5,000) or over shall make a return.

(2) For taxable years beginning after December 31, 2004:

(a) Except as otherwise provided in this subsection, every individual having for the taxable year a modified gross income exceeding twelve thousand dollars ($12,000), and every married couple, whether or not living together, with a combined modified gross income of twelve thousand dollars ($12,000) shall file a return with the cabinet stating specifically the items claimed as deductions and tax credits allowed by this chapter. If the individual is unable to file a return, the return shall be made by a duly authorized agent.

(b) Notwithstanding any other provision of this subsection, an individual having, for the taxable year, gross income from self-employment of twelve thousand dollars ($12,000) or more shall file a return.

(c) Any nonresident individual with gross income from Kentucky sources and a total gross income of twelve thousand dollars ($12,000) or more shall file a return.

(3)[~~(6)~~] A husband and wife not living together shall make separate returns. A husband and wife living together may make a joint return, or may make separate returns. However, ***if***[~~in the event~~] separate returns are made, neither spouse shall report income nor claim deductions properly attributable to the other.

(4)[~~(7)~~] Notwithstanding any other provisions of KRS Chapters 131 and 141, a husband or a wife who is jointly and severally liable for taxes levied under KRS 141.020, applicable penalties, and interest shall be relieved of liability for tax, interest, penalties, and other amounts if:

(a) The spouse has been relieved of liability for federal income tax, interest, penalties, and other amounts for the same taxable year by the Internal Revenue Service under Section 6015 of the Internal Revenue Code; or

(b) It is shown that the spouse would have qualified for relief under the provisions of Section 6015 of the Internal Revenue Code for the same taxable year if there had been a federal income tax liability.

(5)[~~(8)~~] Any relief granted pursuant to paragraphs (a) and (b) of subsection ***(4)***[~~(7)~~] of this section shall not result in a tax overpayment to the spouse requesting relief.

(6)[~~(9)~~] Each individual return shall be verified by a[~~ written~~] declaration that it is made under the penalties of perjury.

Section 13. KRS 141.200 is amended to read as follows:

(1) ***Subsections (2) to (7) of this section shall apply for taxable periods ending before January 1, 2005, and election periods beginning prior to January 1, 2005.***

(2) As used in ***subsections (2) to (7) of*** this section, unless the context requires otherwise:

(a) "Affiliated group" means affiliated group as defined in Section 1504(a) of the Internal Revenue Code and related regulations;

(b) "Consolidated return" means a Kentucky corporation income tax return filed by members of an affiliated group in accordance with this section. The determinations and computations required by this chapter shall be made in accordance with the provisions of Section 1502 of the Internal Revenue Code and related regulations, except as required by differences between this chapter and the Internal Revenue Code. Corporations exempt from taxation under KRS 141.040 shall not be included in the return;

(c) "Separate return" means a Kentucky corporation income tax return in which only the transactions and activities of a single corporation are considered in making all determinations and computations necessary to calculate taxable net income, tax due, and credits allowed in accordance with the provisions of this chapter***;***

(d) "Corporation" means "corporations" as defined in Section 7701(a)(3) of the Internal Revenue Code; and

(e) "Election period" means the ninety-six (96) month period provided for in paragraph (d) of subsection (4) of this section.

(3)[~~(2)~~] Every corporation doing business in this state, except those exempt from taxation under KRS 141.040, shall, for each taxable year, file a separate return unless the corporation was, for any part of the taxable year, a member of an affiliated group electing to file a consolidated return in accordance with subsection (3) of this section.

(4)[~~(3)~~] (a) An affiliated group, whether or not filing a federal consolidated return, may elect to file a consolidated return which includes all members of the affiliated group.

(b) An affiliated group electing to file a consolidated return under paragraph (a) of this subsection shall be treated for all purposes as a single corporation under the provisions of this chapter. All transactions between corporations included in the consolidated return shall be eliminated in computing net income in accordance with KRS 141.010(13), and in determining the property, payroll, and sales factors in accordance with KRS 141.120.

(c) Any election made in accordance with paragraph (a) of this subsection shall be made on a form prescribed by the cabinet and shall be submitted to the cabinet on or before the due date of the return including extensions for the first taxable year for which the election is made.

(d) ***Notwithstanding the provisions of subsections (9) to (15) of this section,*** any election to file a consolidated return pursuant to paragraph (a) of this subsection shall be binding on both the cabinet and the affiliated group for a period beginning with the first month of the first taxable year for which the election is made and ending with the conclusion of the taxable year in which the ninety-sixth consecutive calendar month expires.

(e) For each taxable year for which an affiliated group has made an election in accordance with paragraph (a) of this subsection, the consolidated return shall include all corporations which are members of the affiliated group.

(5)[~~(4)~~] Each corporation included as part of an affiliated group filing a consolidated return shall be jointly and severally liable for the income tax liability computed on the consolidated return, except that any corporation which was not a member of the affiliated group for the entire taxable year shall be jointly and severally liable only for that portion of the Kentucky consolidated income tax liability attributable to that portion of the year that the corporation was a member of the affiliated group.

(6)[~~(5)~~] Every corporation return or report required by this chapter shall be executed by one (1) of the following officers of the corporation: the president, vice president, secretary, treasurer, assistant secretary, assistant treasurer, or chief accounting officer. The Revenue Cabinet may require a further or supplemental report of further information and data necessary for computation of the tax.

(7)[~~(6)~~] In the case of a corporation doing business in this state that carries on transactions with stockholders or with other corporations related by stock ownership, by interlocking directorates, or by some other method, the cabinet shall require information necessary to make possible accurate assessment of the income derived by the corporation from sources within this state. To make possible such assessment, the cabinet may require the corporation to file supplementary returns showing information respecting the business of any or all individuals and corporations related by one (1) or more of these methods to the corporation. The cabinet may require the return to show in detail the record of transactions between the corporation and any or all other related corporations or individuals.

(8) The provisions of subsections (9) to (14) of this section shall apply for taxable years beginning on or after January 1, 2005.

(9) As used in subsections (9) to (14) of this section:

(a) "Affiliated group" means one (1) or more chains of includible corporations connected through stock ownership, membership interest, or partnership interest with a common parent corporation if:

1. a. The common parent owns directly an ownership interest meeting the requirements of subparagraph 2. of this paragraph in at least one (1) other includible corporation; and

b. An ownership interest meeting the requirements of subparagraph 2. of this paragraph in each of the includible corporations, excluding the common parent, is owned directly by one (1) or more of the other corporations.

2. The ownership interest of any corporation meets the requirements of this paragraph if the ownership interest encompasses at least eighty percent (80%) of the voting power of all classes of ownership interests and has a value equal to at least eighty percent (80%) of the total value of all ownership interests;

(b) "Common parent corporation" means the member of an affiliated group that meets the ownership requirement of subparagraph 1. of paragraph (a) of this subsection;

(c) "Foreign corporation" means a corporation that is organized under the laws of a country other than the United States and is related to a member of an affiliated group through stock ownership;

(d) "Includible corporation" means any corporation that is doing business in this state except:

1. Corporations exempt from corporation income tax under paragraphs (a) to (h) of subsection (1) of Section 6 of this Act;

2. Foreign corporations;

3. Corporations with respect to which an election under Section 936 of the Internal Revenue Code is in effect for the taxable year;

4. Real estate investment trusts as defined in Section 856 of the Internal Revenue Code;

5. Regulated investment companies as defined in Section 851 of the Internal Revenue Code;

6. A domestic international sales company as defined in Section 992(a)(1) of the Internal Revenue Code;

7. An S corporation as defined in Section 1361(a) of the Internal Revenue Code;

8. Any corporation that realizes a net operating loss whose Kentucky property, payroll, and sales factors pursuant to subsection (8) of Section 10 of this Act are de minimis; and

9. Any corporation for which the sum of the property, payroll and sales factors described in subsection (8) of Section 9 of this Act is zero.

(e) "Ownership interest" means stock, a membership interest in a limited liability company, or a partnership interest in a limited partnership or limited liability partnership;

(f) "Consolidated return" means a Kentucky corporation income tax return filed by members of an affiliated

group in accordance with this section. The determinations and computations required by this chapter shall be made in accordance with the provisions of the Internal Revenue Code and related regulations, except as required by differences between this chapter and the Internal Revenue Code; and

(g) "Separate return" means a Kentucky corporation income tax return in which only the transactions and activities of a single corporation are considered in making all determinations and computations necessary to calculate taxable net income, tax due, and credits allowed in accordance with the provisions of this chapter.

(10) Every corporation doing business in this state except those exempt from taxation under paragraphs (a) to (h) of subsection (1) of Section 6 of this Act shall, for each taxable year, file a separate return unless the corporation was, for any part of the taxable year:

(a) An includible corporation in an affiliated group; or

(b) A common parent corporation doing business in this state.

(11) (a) An affiliated group, whether or not filing a federal consolidated return, shall file a consolidated return which includes all includible corporations.

(b) An affiliated group required to file a consolidated return under this subsection shall be treated for all purposes as a single corporation under the provisions of this chapter. All transactions between corporations included in the consolidated return shall be eliminated in computing net income in accordance with subsection (13) of Section 2 of this Act, and in determining the property, payroll, and sales factors in accordance with Section 9 of this Act. Includible corporations that have incurred a net operating loss shall not deduct an amount that exceeds, in the aggregate, fifty percent (50%) of the income realized by the remaining includible corporations that did not realize a net operating loss. The Revenue Cabinet shall promulgate administrative regulations to establish the manner and extent to which net operating losses attributable to tax periods ending prior to January 1, 2005, may offset income of affiliated groups.

(12) Each includible corporation included as part of an affiliated group filing a consolidated return shall be jointly and severally liable for the income tax liability computed on the consolidated return, except that any includible corporation which was not a member of the affiliated group for the entire taxable year shall be jointly and severally liable only for that portion of the Kentucky consolidated income tax liability attributable to that portion of the year that the corporation was a member of the affiliated group.

(13) Every corporation return or report required by this chapter shall be executed by one (1) of the following officers or management of the corporation: the president, vice president, secretary, treasurer, assistant secretary, assistant treasurer, chief accounting officer, manager, member, or partner. The Revenue Cabinet may require a further or supplemental report of further information and data necessary for computation of the tax.

(14) In the case of a corporation doing business in this state that carries on transactions with stockholders, members or partners, or with other corporations related by ownership, by interlocking directorates, or by some other method, the cabinet shall require that information necessary to make possible an accurate assessment of the income derived by the corporation from sources within this state be provided. To make possible such assessment, the cabinet may require the corporation to file supplementary returns showing information respecting the business of any or all individuals and corporations related by one (1) or more of these methods to the corporation. The cabinet may require the return to show in detail the record of transactions between the corporation and any or all other related corporations or individuals.

(15)[~~(7)~~] For any taxable year ending on or after December 31, 1995, except as provided under[~~ subsection (3) of~~] this section *and Section 14 of this Act*, nothing in this chapter shall be construed as allowing or requiring the filing of:

(a) A combined return under the unitary business concept; or

(b) A consolidated return.

(16)[~~(8)~~] No assessment of additional tax due for any taxable year ending on or before December 31, 1995, made after December 22, 1994, and based on requiring a change from any initially filed separate return or returns to a combined return under the unitary business concept or to a consolidated return, shall be effective or recognized for any purpose.

(17)[~~(9)~~] No claim for refund or credit of a tax overpayment for any taxable year ending on or before December, 31, 1995, made by an amended return or any other method after December 22, 1994, and based on a change from any initially filed separate return or returns to a combined return under the unitary business concept or to a consolidated return, shall be effective or recognized for any purpose.

(18)[~~(10)~~] No corporation or group of corporations shall be allowed to file a combined return under the unitary business concept or a consolidated return for any taxable year ending before December 31, 1995, unless on or before December 22, 1994, the corporation or group of corporations filed an initial or amended return under the unitary business concept or consolidated return for a taxable year ending before December 22, 1994.

(19)[~~(11)~~] This section shall not be construed to limit or otherwise impair the cabinet's authority under KRS 141.205.

Section 14. KRS 141.205 is amended to read as follows:

(1) *As used in this section:*

(a) "Intangible property" means patents, patent applications, trade names, trademarks, service marks, copyrights, trade secrets, and similar types of intangible assets;

(b) "Intangible expenses and costs" includes:

1. Expenses, losses, and costs for, related to, or in connection directly or indirectly with the direct or indirect acquisition use, maintenance, management, ownership, sale, exchange, or any other disposition of intangible property to the extent the amounts are allowed as deductions or costs in determining taxable income before the net operating loss deduction and special deductions for the taxable year provided under Chapter 1 of the Internal Revenue Code;

2. Losses related to, or incurred in connection directly or indirectly with, factoring transactions or discounting transactions;

3. Royalty, patent, technical, and copyright fees;

4. Licensing fees; and

5. Other similar expenses and costs;

(c) "Interest expenses and costs" means amounts directly or indirectly allowed as deductions under Section 163 of the Internal Revenue Code for purposes of determining taxable income under the Internal Revenue Code to the extent the expenses and costs are directly or indirectly for, related to, or in connection with the direct or indirect acquisition, maintenance, management, ownership, sale, exchange, or disposition of intangible property;

(d) "Related member" means a person that, with respect to the taxpayer during all or any portion of the taxable year, is:

1. A related entity as defined in paragraph (e) of this subsection;

2. A component member as defined in Section 1563(b) of the Internal Revenue Code;

3. A person to or from whom there is attribution of stock ownership in accordance with Section 1563(e) of the Internal Revenue Code; or

4. A person that, notwithstanding its form of organization, bears the same relationship to the taxpayer as a person described in subparagraphs 1. to 3. of this paragraph; and

(e) "Related entity" means:

1. A stockholder who is an individual, or a member of the stockholder's family as set forth in Section 318 of the Internal Revenue Code if the stockholder and the members of the stockholder's family own, directly indirectly, beneficially or constructively, in the aggregate, at least fifty percent (50%) of the value of the taxpayer's outstanding stock;

2. A stockholder or a stockholder's partnership, limited liability company, estate, trust, or corporation if the stockholder and the stockholder's partnerships, limited liability companies, estates, trusts, and corporations own directly, indirectly, beneficially, or constructively, in the aggregate, at least fifty percent (50%) of the value of the taxpayer's outstanding stock; or

3. A corporation, or a party related to the corporation in a manner that would require an attribution of stock from the corporation to the party or from the party to the corporation under the attribution rules of the Internal Revenue Code if the taxpayer owns, directly, indirectly, beneficially, or constructively, at least fifty percent (50%) of the value of the corporation's outstanding stock. The attribution rules of the Internal Revenue Code shall apply for purposes of determining whether the ownership requirements of this definition have been met.

(2) A corporation subject to the tax imposed by Section 6 of this Act shall not be permitted to deduct interest expenses and costs, or intangible expenses and costs directly or indirectly paid, accrued, or incurred to, or in connection directly or indirectly with one (1) or more direct or indirect transactions with, one (1) or more related members as defined in subsection (1) of this section.

(3) The disallowance of deductions provided by subsection (2) of this section shall not apply if:

(a) The taxpayer and the cabinet agree in writing to the application or use of an alternative method of apportionment under subsection (9) of Section 9 of this Act; or

(b) The deductions have a legitimate business purpose apart from reducing the corporation's Kentucky taxable income and are specifically allowed by administrative regulations promulgated by the cabinet.

(4) The cabinet may require either a consolidated return or a combined return from any or all corporations conducting inter-

corporate transactions whenever the cabinet finds that such inter-corporate transactions reduce taxable net income, as defined in KRS 141.010(14), of the corporation(s) below the amount which would result if the transactions were at arm's length.

(5)[~~(2)~~] The cabinet is authorized and empowered to assess the tax against any of the corporations whose income is included in the consolidated or combined return in such manner as it may determine necessary to prevent the avoidance of income tax.

(6)[~~(3)~~] In the case of corporations not required to file a consolidated or combined return under subsection *(4)*[~~(1)~~] of this section *or subsection (11) of Section 13 of this Act* that carried on transactions with stockholders or affiliated corporations directly or indirectly, the cabinet shall adjust the net income of such corporations to an amount that would result if such transactions were carried on at arm's length.

Section 15. KRS 141.206 is amended to read as follows:

(1) *As used in this section unless the context requires otherwise:*

(a) "General partnership" means a partnership not subject to the tax imposed by Section 6 of this Act;

(b) "Property" means real property or tangible personal property which is owned or leased; and

(c) "Payroll" means compensation paid to one (1) or more individuals as described in paragraph (b) of subsection (8) of Section 9 of this Act.

(2) Every partnership*, limited liability company electing partnership tax treatment for federal income tax purposes,* or S corporation *doing*[~~owning property or engaging in~~] business in *this state*[~~Kentucky~~], shall, on or before the fifteenth day of the fourth month following the close of its annual accounting period, file a copy of its federal partnership return or S corporation return with the form prescribed and furnished by the cabinet.

(3)[~~(2)~~] *(a) General* partnerships[~~ and S corporations~~] shall determine *net*[~~taxable~~] income in the same manner as in the case of an individual under KRS 141.010(9) to (11) and the adjustment required under Sections 703(a)[~~ and 1363(b)~~] of the Internal Revenue Code. Computation of *net*[~~taxable~~] income under this section and the computation of the partners[~~ or shareholders~~] distributive share shall be computed as nearly as practicable identical with those required for federal income tax purposes except to the extent required by differences between this chapter and the federal income tax law and regulations.

(b) For partnerships, limited liability companies electing partnership tax treatment for federal income tax purposes, single member limited liability companies whose member is an individual, and S corporations subject to tax under the provisions of Section 6 of this Act, the individual partner, member, or shareholder's distributive share shall be computed as nearly as practicable in a manner identical to that required for federal income tax purposes except to the extent required by differences between this chapter and the federal income tax law and regulations.

(4)[~~(3)~~] Individuals*, estates, trusts,* or corporations *doing*[~~carrying on a~~] business *in this state* as a *partner in a general* partnership[~~ or S corporation~~] shall be liable for income tax only in their individual*, fiduciary,* or corporate capacities, and no income tax shall be assessed upon the income of any *general* partnership[~~ or S corporation except as prescribed in KRS 141.040(5)~~]. *General partnerships may be required to withhold Kentucky income tax on the distributive share under administrative regulations promulgated by the cabinet.*

(5) In determining the tax under this chapter, a resident individual, estate, or trust that is a partner in a general partnership shall take into account the partner's total distributive share of the partnership's items of income, loss, deduction, and credit.

(6) In determining the tax under this chapter, a nonresident individual, estate, or trust that is a partner in a general partnership required to file a return under subsection (2) of this section shall take into account:

(a) If the partnership is doing business only in this state, the partner's total distributive share of the partnership's items of income, loss, and deduction. A general partnership is doing business only in the state if property and payroll are entirely within this state. Property and payroll are deemed to be entirely within this state if all other states are prohibited by Pub. L. 86-272, as it existed on December 31, 1975, from enforcing income tax jurisdiction, or

(b) If the partnership is doing business both within and without this state, the partner's distributive share of the general partnership's items of income, loss, and deduction multiplied by the apportionment fraction of the partnership as prescribed in subsection (11) of this section; and

(c) The partner's total distributive share of credits of the partnership.

(7) A corporation that is subject to tax under Section 6 of this Act and is a partner in a general partnership shall take into account:

(a) The corporation's distributive share of the partnership's items of income, loss, and deduction and, when applicable, multiplied by the apportionment fraction of the partnership as prescribed in subsection (11) of this section; and

(b) Credits from the partnership;

(8) (a) If a general partnership is doing business both within and without this state, the partnership shall compute and furnish to each partner an apportionment fraction determined in accordance with subsection (11) of this section.

(b) For purposes of determining if a general partnership is doing business both within and without this state and for determining an apportionment fraction under paragraph (a) of this subsection, the general partnership that is a partner in another general partnership shall be deemed to own its pro-rata share of property owned by the other general partnership, to be the lessor of its pro-rata share of property leased by the other general partnership, to be the payor of its pro-rata share of payroll of the other general partnership, and to have made its pro-rata share of the sales of the other general partnership. Property, payroll, and sales attributed by one (1) general partnership to a second general partnership may be further attributed by the second general partnership to a third general partnership if the third general partnership is a partner in the second general partnership, and may be further attributed to any subsequent general partnership.

(9) (a) Resident[~~ and nonresident~~] individuals who are partners *in a partnership, members in a limited liability company electing partnership tax treatment for federal income tax purposes, owners of a single member limited liability company,* or *shareholders in an* S corporation *subject to the tax imposed by Section 6 of this Act*[~~shareholders~~] must report and pay tax on the distributive share of net income, gain, loss, deduction, or credit, as determined in *paragraph (b) of* subsection *(3)*[~~(2)~~] of this section*.*

(b) Nonresident individuals who are partners in a partnership, members in a limited liability company electing partnership tax treatment for federal income tax purposes, or owners of a single member limited liability company or shareholders in an S corporation subject to the tax imposed by Section 6 of this Act must report and pay tax on the distributive share of net income, gain, loss, deduction, or credit as determined in paragraph (b) of subsection (3) of this section, and as apportioned to this state pursuant to the provisions of subsection (8) of Section 9 of this Act[~~, except as provided in subsections (4) and (5) of this section. Partnerships and S corporations may be required to withhold Kentucky income tax on the distributive share under administrative regulations issued by the cabinet.~~

~~(b) Corporations which are partners must include their distributive share of net income, gain, loss, deduction or credit, as determined under subsection (2) of this section, except as provided in subsections (4) and (5) of this section.~~

~~(4) Resident and nonresident individuals and corporations which are partners in a partnership or shareholders in an S corporation carrying on business only in Kentucky are taxable on all items of income gain, loss, deduction or credit determined under subsection (2) of this section and reported as their distributive share from the partnership or S corporation.~~

~~(5) Nonresident individuals and corporations which are partners in a partnership or shareholders in an S corporation which does business within and without Kentucky are taxable on their proportionate share of the distributive income passed through the partnership or S corporation attributable to business done in Kentucky.~~

~~(a) Business done in Kentucky is determined by the ratio of gross receipts from sales to purchasers or customers in Kentucky or services performed in Kentucky to the total gross receipts from sales or service everywhere.~~

~~(6) Resident partners, S corporation shareholders and corporations which are partners in a multistate partnership or shareholders in a multistate S corporation are taxable on one hundred percent (100%) of the distributive share of income, gains, losses, deductions or credits~~].

(10) Resident and nonresident individuals who are partners in a partnership, members in a limited liability company electing partnership tax treatment for federal income tax purposes, shareholders in an S corporation, or owners of a single member limited liability company shall be entitled to a nonrefundable credit against the tax imposed under Section 4 of this Act for their proportionate share of the income tax due as determined under Section 6 of this Act before the application of any credits identified in subsection (4) of Section 5 of this Act and reduced by the required minimum imposed by subsection (6) of Section 6 of this Act. The credit determined under this subsection shall not operate to reduce the tax due to an amount that is less than what would have been payable were the income attributable to doing business in this state by the partnership, limited liability company, or S corporation ignored.

(11) A general partnership doing business within and without the state shall apportion its net income by a fraction, the numerator of which is the property factor, representing twenty-five percent (25%) of the fraction, plus the payroll factor, representing twenty-five percent (25%) of the fraction, plus the sales factor, representing fifty percent (50%) of the fraction, with each factor determined in the same manner as provided in subsection (8) of Section 9 of this Act, and the denominator of which is four (4), reduced by the number of factors, if any, having no denominator.

(12)[~~(7)~~] Resident individuals*, estates, or trusts that*[~~who~~] are partners in a partnership*, members of a limited liability company electing partnership tax treatment for federal income tax purposes, owners of single member limited liability company,* or shareholders in an S corporation which does not *do*[~~carry on~~] business in *this state*[~~Kentucky~~] are subject to tax under KRS 141.020 on federal net income, gain, deduction, *or* loss or credit passed through the partnership*, limited liability company,* or S corporation.

(13)[~~(8)~~] S corporation for purpose of this section means a corporation which has elected for federal tax purposes to be taxed as an S corporation. An election for federal tax purposes is a binding election for Kentucky tax purposes.

(14)[~~(9)~~] Nonresident individuals shall not be taxable on investment income distributed by a qualified investment partnership. For purposes of this subsection a "qualified investment partnership" means a partnership formed to hold only investments that produce income that would not be taxable to the nonresident individual if held or owned individually.

(15) (a) A general partnership may file a composite income tax return on behalf of electing nonresident individual partners reporting and paying income tax at the highest marginal rate provided in this chapter on the partners' pro rata or distributive shares of income of the general partnership from doing business in, or deriving income from sources within, this state.

(b) A nonresident individual partner whose only source of income within this state is from one or more general partnerships may elect to be included in a composite return filed pursuant to this section.

(c) A nonresident individual partner that has been included in a composite return may file an individual income tax return and shall receive credit for tax paid on the partner's behalf by the general partnership.

(d) A general partnership shall deliver to the department a return upon a form prescribed by the department showing the total amounts paid or credited to its electing nonresident individual partners, the amount paid in accordance with this subsection, and any other information the department may require. A general partnership shall furnish to its nonresident partner annually, but not later than the fifteenth day of the third month after the end of its taxable year, a record of the amount of tax paid on behalf of the partner on a form prescribed by the department.

Section 16. KRS 141.208 is amended to read as follows:

(1) For the purposes of this section, "limited liability company" shall mean any company subject to the provisions of KRS Chapter 275.

(2) ***A limited liability company shall file a Kentucky corporate income tax return and determine its Kentucky income tax liability as provided in Section 6 of this Act regardless of the tax treatment elected for federal income tax purposes. All other income tax issues not expressly addressed by the provisions of this chapter shall be treated in the same manner as the issues are treated***[~~Any limited liability company shall be treated for Kentucky income tax purposes in the same manner as its tax treatment~~] for federal income tax purposes.

Section 17. KRS 141.347 is amended to read as follows:

(1) As used in this section, unless the context requires otherwise:

(a) "Approved company" shall have the same meaning as set forth in KRS 154.22-010;

(b) "Economic development project" shall have the same meaning as set forth in KRS 154.22-010;

(c) "Tax credit" means the "tax credit" allowed in KRS 154.22-010 to 154.22-070***; and***

(d) "Gross receipts" means gross receipts as defined in paragraph (b) of subsection (5) of Section 6 of this Act.

(2) An approved company shall determine the[~~ income~~] tax credit as provided in this section.

(3) An approved company which is an individual sole proprietorship subject to tax under KRS 141.020 ***or***[~~,~~] a corporation subject to tax under KRS 141.040(1)[~~, or a limited liability company treated as a corporation for federal income tax purposes~~] shall:

(a) Compute the income tax due at the applicable tax rates as provided by KRS 141.020 or ***whichever of paragraph (a) or (b) of subsection (5) of KRS*** 141.040 ***applies***[~~,~~] on net income as defined by KRS 141.010(11)***,***[~~ or~~] taxable net income as defined by KRS 141.010(14), ***or gross receipts, as the case may be,*** including income ***or gross receipts*** from an economic development project; and

(b) Compute the income tax due at the applicable tax rates as provided by KRS 141.020 or ***whichever of paragraph (a) or (b) of subsection (5) of KRS*** 141.040 ***applies***[~~,~~] on net income as defined by KRS 141.010(11)***,***[~~ or~~] taxable net income as defined by KRS 141.010(14), ***or gross receipts, as the case may be,*** excluding net income ***or gross receipts*** attributable to an economic development project.

(c) The tax credit shall be the amount by which the tax computed under paragraph (a) of this subsection exceeds the tax computed under paragraph (b) of this subsection; however, the credit shall not exceed the limits set forth in KRS 154.22-050.

(4) (a) Notwithstanding any other provisions of this chapter, an approved company which is ***a general***[~~ an S corporation,~~] partnership ***not subject to tax under Section 6 of this Act***[~~, registered limited liability partnership, limited liability company treated as a partnership for federal income tax purposes,~~] or ***a*** trust ***not subject to tax under Section 6 of this Act*** shall be subject to income tax on the net income attributable to an economic development project at the rates provided in KRS 141.020(2).

(b) The amount of the tax credit shall be the same as the amount of the tax computed in this subsection or, upon the annual election of the approved company, in lieu of the tax credit, an amount shall be applied as an estimated tax payment equal to the tax computed in this section. Any estimated tax payment made pursuant to this paragraph shall be in satisfaction of the tax liability of the[~~ shareholders,~~] partners[~~, members,~~] or beneficiaries of the ***general***[~~S corporation,~~] partnership[~~, registered limited liability partnership, limited liability company,~~] or trust, and shall be paid on behalf of the~~[shareholders,]~~ partners~~[, members,]~~ or beneficiaries.

(c) The tax credit or estimated payment shall not exceed the limits set forth in KRS 154.22-050.

(d) If the tax computed in this section exceeds the credit, the excess shall be paid by the ***general***~~[S corporation,]~~ partnership~~[, registered limited liability partnership, limited liability company,]~~ or trust at the times provided by KRS 141.160 for filing the returns.

(e) Any estimated tax payment made by the ***general***~~[S corporation,]~~ partnership~~[, registered limited liability partnership, limited liability company,]~~ or trust in satisfaction of the tax liability of~~[shareholders,]~~ partners~~[, members,]~~ or beneficiaries shall not be treated as taxable income subject to Kentucky income tax by the~~[shareholder,]~~ partner~~[, member,]~~ or beneficiary.

(5) Notwithstanding any other provisions of this chapter, the net income subject to tax, the tax credit, and the estimated tax payment determined under subsection (4) of this section shall be excluded in determining each~~[shareholder's,]~~ partner's~~[, member's,]~~ or beneficiaries' distributive share of net income or credit of ***a general***~~[an S corporation,]~~ partnership~~[, registered limited liability partnership, limited liability company,]~~ or trust.

(6) If the economic development project is a totally separate facility***:***~~[,]~~

(a) Net income attributable to the project for the purposes of subsections (3), (4), and (5) of this section shall be determined under the separate accounting method reflecting only the gross income, deductions, expenses, gains, and losses allowed under this chapter directly attributable to the facility and overhead expenses apportioned to the facility***; and***

(b) Gross receipts attributable to the project for the purposes of subsection (3) of this section shall be determined under the separate accounting method reflecting only the gross receipts directly attributable to the facility.

(7) If the economic development project is an expansion to a previously existing facility***:***~~[,]~~

(a) Net income attributable to the entire facility shall be determined under the separate accounting method reflecting only the gross income, deductions, expenses, gains, and losses allowed under this chapter directly attributable to the facility, and the net income attributable to the economic development project for the purposes of subsections (3), (4), and (5) of this section shall be determined by apportioning the separate accounting net income of the entire facility to the economic development project by a formula approved by the Revenue Cabinet***; and***

(b) Gross receipts attributable to the entire facility shall be determined under the separate accounting method reflecting only the gross receipts directly attributable to the facility, and gross receipts attributable to the economic development project for the purposes of subsection (3) of this section shall be determined by apportioning the separate accounting gross receipts of the entire facility to the economic development project by a formula approved by the Revenue Cabinet.

(8) If an approved company can show to the satisfaction of the Revenue Cabinet that the nature of the operations and activities of the approved company are such that it is not practical to use the separate accounting method to determine the net income ***or gross receipts*** from the facility at which the economic development project is located, the approved company shall determine net income ***or gross receipts*** from the economic development project using an alternative method approved by the Revenue Cabinet.

(9) The Revenue Cabinet may issue administrative regulations and require the filing of forms designed by the Revenue Cabinet to reflect the intent of KRS 154.22-020 to 154.22-070 and the allowable income tax credit which an approved company may retain under KRS 154.22-020 to 154.22-070.

Section 18. KRS 141.310 is amended to read as follows:

(1) Every employer making payment of wages on or after January 1, 1971, shall deduct and withhold upon the wages a tax determined under KRS 141.315 or by the tables authorized by KRS 141.370.

(2) If wages are paid with respect to a period which is not a payroll period, the amount to be deducted and withheld shall be that applicable in the case of a miscellaneous payroll period containing a number of days, including Sundays and holidays, equal to the number of days in the period with respect to which the wages are paid.

(3) ***If***~~[In any case in which]~~ wages are paid by an employer without regard to any payroll period or other period, the amount to be deducted and withheld shall be that applicable in the case of a miscellaneous payroll period containing a number of days equal to the number of days, including Sundays and holidays, which have elapsed since the date of the last payment of wages by the employer during the calendar year, or the date of commencement of employment with the employer during the year, or January 1 of the year, whichever is the later.

(4) In determining the amount to be deducted and withheld under this section, the wages may, at the election of the employer, be computed to the nearest dollar.

(5) The tables mentioned in subsection (1) of this section ***shall consider***~~[take into consideration]~~ the ***standard deduction***~~[deductible federal income tax. If Congress changes substantially the federal income tax, the cabinet shall make the change in these tables necessary to compensate for any increase or decrease in the deductible federal income tax]~~.

(6) The cabinet may permit the use of accounting machines to calculate the proper amount to be deducted from wages when the calculation~~[so permitted]~~ produces substantially the same result ***as*** set forth in the tables authorized by KRS 141.370.

Prior approval of the calculation shall be secured from the cabinet at least thirty (30) days before the first payroll period for which it is to be used.

(7) The cabinet may, by ***administrative*** regulations, authorize employers:

(a) To estimate the wages which will be paid to any employee in any quarter of the calendar year;

(b) To determine the amount to be deducted and withheld upon each payment of wages to the employee during the quarter as if the appropriate average of the wages estimated constituted the actual wages paid; and

(c) To deduct and withhold upon any payment of wages to the employee during the quarter the amount necessary to adjust the amount actually deducted and withheld upon the wages of the employee during the quarter to the amount that would be required to be deducted and withheld during the quarter if the payroll period of the employee was quarterly.

(8) The cabinet may provide by ***administrative*** regulation, under the conditions and to the extent it deems proper, for withholding in addition to that otherwise required under this section and KRS 141.315 in cases in which the employer and the employee agree to the additional withholding. The additional withholding shall for all purposes be considered tax required to be deducted and withheld under this chapter.

(9) Effective January 1, 1992, any employer required by this section to withhold Kentucky income tax who assesses and withholds from employees the job assessment fee provided in KRS 154.24-110 may offset a portion of the fee against the Kentucky income tax required to be withheld from the employee under this section. The amount of the offset shall be four-fifths (4/5) of the amount of the assessment fee withheld from the employee or the Commonwealth's contribution of KRS 154.24-110(3) applies. If the provisions in KRS 154.24-150(3) or (4) apply, the offset, the offset shall be one hundred percent (100%) of the assessment.

(10) Any employer required by this section to withhold Kentucky income tax who assesses and withholds from employees an assessment provided in KRS 154.22-070 or KRS 154.28-110 may offset the fee against the Kentucky income tax required to be withheld from the employee under this section.

(11) Effective January 1, 1992, any employer required by this section to withhold Kentucky income tax who assesses and withholds from employees the job assessment fee provided in KRS 154.26-100 may offset a portion of the fee against the Kentucky income tax required to be withheld from the employee under this section. The amount of the offset shall be two-thirds (2/3) of the amount of the assessment fee withheld from the employee, or if the agreement under KRS 154.26-090(1)(d)2.b. is consummated, the offset shall be four-fifths (4/5) of the assessment fee.

(12) Any employer required by this section to withhold Kentucky income tax who assesses and withholds from employees the job development assessment fee provided in KRS 154.23-055 may offset a portion of the fee against the Kentucky income tax required to be withheld from the employee under this section. The amount of the offset shall be equal to the Commonwealth's contribution as determined by KRS 154.23-055(1) to (3).

(13) Any employer required by this section to withhold Kentucky income tax may be required to post a bond with the cabinet. The bond shall be a corporate surety bond or cash. The amount of the bond shall be determined by the cabinet, but shall not exceed fifty thousand dollars ($50,000).

(14) The Commonwealth may bring an action for a restraining order or a temporary or permanent injunction to restrain or enjoin the operation of an employer's business until the bond is posted or the tax required to be withheld is paid or both. The action may be brought in the Franklin Circuit Court or in the Circuit Court having jurisdiction of the defendant.

Section 19. KRS 141.370 is amended to read as follows:

The tax levied under KRS 141.020 and required to be withheld under KRS 141.310, unless determined by KRS 141.315, shall be withheld in accordance with the tables provided~~[in regulations promulgated]~~ by the cabinet. ***The cabinet shall annually publish withholding tables for use in determining the amount of tax to be withheld under Section 18 of this Act and KRS 141.315. The tables shall reflect the tax computed under Section 4 of this Act for the midpoint of each income range using the standard deduction allowed under KRS 141.081. The withholding tables shall be available in an on-line format.***

Section 20. KRS 141.390 is amended to read as follows:

(1) As used in this section:

(a) "Postconsumer waste" means any product generated by a business or consumer which has served its intended end use, and which has been separated from solid waste for the purposes of collection, recycling, composting, and disposition and which does not include secondary waste material or demolition waste;

(b) "Recycling equipment" means any machinery or apparatus used exclusively to process postconsumer waste material and manufacturing machinery used exclusively to produce finished products composed of substantial postconsumer waste materials;~~[and]~~

(c) "Composting equipment" means equipment used in a process by which biological decomposition of organic solid waste is carried out under controlled aerobic conditions, and which stabilizes the organic fraction into a material which can easily and safely be stored, handled, and used in a environmentally acceptable manner***;***

(d) "Recapture period" means:

1. For qualified equipment with a useful life of five (5) or more years, the period from the date the equipment is purchased to five (5) full years from that date; or

2. For qualified equipment with a useful life of less than five (5) years, the period from the date the equipment is purchased to three (3) full years from that date;

(e) "Useful life" means the period determined under Section 168 of the Internal Revenue Code; and

(f) "Secondary waste" means waste material generated during a manufacturing process and includes any material that is used in the manufacturing process that does not become a part of the finished product that makes its way to the consumer.

(2) A taxpayer ***that***[~~who~~] purchases recycling or composting equipment to be used exclusively within this state for recycling or composting postconsumer waste materials shall be entitled to a credit against the income taxes imposed pursuant to this chapter, ***including any tax due under the provisions of paragraph (b) of subsection (5) of Section 6 of this Act,*** in an amount equal to fifty percent (50%) of the installed cost of the recycling or composting equipment. The amount of credit claimed in the tax year during which the recycling equipment is purchased shall not exceed ten percent (10%) of the amount of the total credit allowable and shall not exceed twenty-five percent (25%) of the total of each tax liability which would be otherwise due.

(3) Application for a tax credit shall be made to the Revenue Cabinet on or before ***the first day of the seventh month***[~~July 1 of the year~~] following the ***close of the taxable***[~~calendar~~] year in which the recycling or composting equipment is purchased. The application shall include a description of each item of recycling equipment purchased, the date of purchase and the installed cost of the recycling equipment, a statement of where the recycling equipment is to be used, and any other information as the Revenue Cabinet may require. The Revenue Cabinet shall review all applications received to determine whether expenditures for which credits are required meet the requirements of this section and shall advise the taxpayer of the amount of credit for which the taxpayer is eligible under this section. ***Any corporation as defined in paragraphs (b) to (h) of subsection (24) of Section 2 of this Act may elect to claim the balance of a recycling credit approved prior to the effective date of this section against its tax liability imposed under Section 6 of this Act. The election shall be binding on the taxpayer and the Revenue Cabinet until the balance of the recycling credit is used.***

(4) Except as provided in subsection (6) of this section, if a taxpayer that receives a tax credit under this section sells, transfers, or otherwise disposes of the qualifying recycling or composting equipment before the end of the recapture period, the tax credit shall be redetermined under subsection (5) of this section. If the total credit taken in prior taxable years exceeds the redetermined credit, the difference shall be added to the taxpayer's tax liability under this chapter for the taxable year in which the sale, transfer, or disposition occurs. If the redetermined credit exceeds the total credit already taken in prior taxable years, the taxpayer shall be entitled to use the difference to reduce the taxpayer's tax liability under this chapter for the taxable year in which the sale, transfer, or disposition occurs.

(5) The total tax credit allowable under subsection (2) of this section for equipment that is sold, transferred, or otherwise disposed of before the end of the recapture period shall be adjusted as follows.

(a) For equipment with a useful life of five (5) or more years that is sold, transferred, or otherwise disposed of:

1. One (1) year or less after the purchase, no credit shall be allowed.

2. Between one (1) year and two (2) years after the purchase, twenty percent (20%) of the total allowable credit shall be allowed.

3. Between two (2) and three (3) years after the purchase, forty percent (40%) of the total allowable credit shall be allowed.

4. Between three (3) and four (4) years after the purchase, sixty percent (60%) of the total allowable credit shall be allowed.

5. Between four (4) and five (5) years after the purchase, eighty percent (80%) of the total allowable credit shall be allowed.

(b) For equipment with a useful life of less than five (5) years that is sold, transferred, or otherwise disposed of:

1. One (1) year or less after the purchase, no credit shall be allowed.

2. Between one (1) year and two (2) years after the purchase, thirty-three percent (33%) of the total allowable credit shall be allowed.

3. Between two (2) and three (3) years after the purchase, sixty-seven percent (67%) of the total allowable credit shall be allowed.

(6) Subsections (4) and (5) of this section shall not apply to transfers due to death, or transfers due merely to a change in business ownership or organization as long as the equipment continues to be used in recycling or composting, or transactions to which Section 381(a) of the Internal Revenue Code applies.

(7) The Revenue Cabinet may promulgate administrative regulations to carryout the provisions of this section.

Section 21. KRS 141.400 is amended to read as follows:

(1) As used in this section, unless the context requires otherwise:

(a) "Approved company" shall have the same meaning as set forth in KRS 154.28-010;

(b) "Economic development project" shall have the same meaning as set forth in KRS 154.28-010;[~~ and~~]

(c) "Tax credit" means the "tax credit" allowed in KRS 154.28-090*; and*

(d) "Gross receipts" means gross receipts as defined in paragraph (b) of subsection (5) of Section 6 of this Act.

(2) An approved company shall determine the income tax credit as provided in this section.

(3) An approved company which is an individual sole proprietorship subject to tax under KRS 141.020 *or*[~~,~~] a corporation subject to tax under KRS 141.040(1)[~~, or a limited liability company treated as a corporation for federal income tax purposes~~] shall:

(a) Compute the income tax due at the applicable tax rates as provided by KRS 141.020 or *whichever of paragraph (a) or (b) of subsection (5) of KRS* 141.040 *applies*[~~,~~] on net income as defined by KRS 141.010(11),[~~ or~~] taxable net income as defined by KRS 141.010(14), *or gross receipts, as the case may be,* including income *or gross receipts* from an economic development project;

(b) Compute the income tax due at the applicable tax rates as provided by KRS 141.020 or *whichever of paragraph (a) or (b) of subsection (5) of KRS* 141.040 *applies*[~~,~~] on net income as defined by KRS 141.010(11),[~~ or~~] taxable net income as defined by KRS 141.010(14), *or gross receipts, as the case may be,* excluding net income *or gross receipts* attributable to an economic development project; and

(c) The tax credit shall be the amount by which the tax computed under paragraph (a) of this subsection exceeds the tax computed under paragraph (b) of this subsection; however, the credit shall not exceed the limits set forth in KRS 154.28-090.

(4) (a) Notwithstanding any other provisions of this chapter, an approved company which is *a general*[~~an S corporation,~~] partnership *not subject to tax under Section 6 of this Act, or a*[~~, registered limited liability partnership,~~] trust *not subject to tax under Section 6 of this Act*[~~, or limited liability company treated as a partnership for federal income tax purposes~~] shall be subject to income tax on the net income attributable to an economic development project at the rates provided in KRS 141.020(2).

(b) The amount of the tax credit shall be the same as the amount of the tax computed in this subsection or, upon the annual election of the approved company, in lieu of the tax credit, an amount shall be applied as an estimated tax payment equal to the tax computed in this section. Any estimated tax payment made pursuant to this paragraph shall be in satisfaction of the tax liability of the[~~ shareholders,~~] partners[~~, members,~~] or beneficiaries of the *general*[~~S corporation,~~] partnership[~~, registered limited liability partnership, limited liability company,~~] or trust, and shall be paid on behalf of the[~~ shareholders,~~] partners[~~, members,~~] or beneficiaries.

(c) The tax credit or estimated payment shall not exceed the limits set forth in KRS 154.28-090.

(d) If the tax computed in this section exceeds the credit, the excess shall be paid by the *general*[~~S corporation,~~] partnership[~~, registered limited liability partnership, limited liability company,~~] or trust at the times provided by KRS 141.160 for filing the returns.

(e) Any estimated tax payment made by the *general*[~~S corporation,~~] partnership[~~, registered limited liability partnership, limited liability company,~~] or trust in satisfaction of the tax liability of[~~ shareholders,~~] partners[~~, members,~~] or beneficiaries shall not be treated as taxable income subject to Kentucky income tax by the[~~ shareholder,~~] partner[~~, member,~~] or beneficiary.

(5) Notwithstanding any other provisions of this chapter, the net income subject to tax, the tax credit, and the estimated tax payment determined under subsection (4) of this section shall be excluded in determining each[~~ shareholder's,~~] partner's[~~, member's,~~] or beneficiaries' distributive share of net income or credit of *a*[~~an S corporation,~~] partnership[~~, registered limited liability partnership, limited liability company,~~] or trust.

(6) If the economic development project is a totally separate facility*:*[~~,~~]

(a) Net income attributable to the project for the purposes of subsections (3), (4), and (5) of this section shall be determined under the separate accounting method reflecting only the gross income, deductions, expenses, gains, and losses allowed under this chapter directly attributable to the facility and overhead expenses apportioned to the facility*; and*

(b) Gross receipts attributable to the project for purposes of subsection (3) of this section shall be determined under the separate accounting method reflecting only the gross receipts directly attributable to the facility.

(7) If the economic development project is an expansion to a previously existing facility*:*[~~,~~]

(a) Net income attributable to the entire facility shall be determined under the separate accounting method reflecting only the gross income, deductions, expenses, gains, and losses allowed under this chapter directly attributable to the facility and overhead expenses apportioned to the facility, and the net income attributable to the economic development project for the purposes of subsections (3), (4), and (5) of this section shall be determined by apportioning the separate accounting net income of the entire facility to the economic development project by a formula approved by the Revenue Cabinet*; and*

(b) Gross receipts attributable to the entire facility shall be determined under the separate accounting method reflecting only the gross receipts directly attributable to the facility, and gross receipts attributable to the economic development project for the purposes of subsection (3) of this section shall be determined by apportioning the separate accounting gross receipts of the entire facility to the economic development project by a formula approved by the Revenue Cabinet.

(8) If an approved company can show to the satisfaction of the Revenue Cabinet that the nature of the operations and activities of the approved company are such that it is not practical to use the separate accounting method to determine the net income ***or gross receipts*** from the facility at which the economic development project is located, the approved company shall determine net income ***or gross receipts*** from the economic development project using an alternative method approved by the Revenue Cabinet.

(9) The Revenue Cabinet may issue administrative regulations and require the filing of forms designed by the Revenue Cabinet to reflect the intent of KRS 154.22-020 to 154.22-070 and KRS 154.28-010 to 154.28-090 and this section and the allowable[~~ income~~] tax credit which an approved company may retain under KRS 154.22-020 to 154.22-070 and KRS 154.28-010 to 154.28-090 and this section.

Section 22. KRS 141.401 is amended to read as follows:

(1) As used in this section, unless the context requires otherwise:

(a) "Approved company" shall have the same meaning as set forth in KRS 154.23-010;

(b) "Economic development project" shall have the same meaning as set forth in KRS 154.23-010;[~~ and~~]

(c) "Tax credit" means the "tax credit" allowed under KRS 154.23-005 to 154.23-079***; and***

(d) "Gross receipts" means gross receipts as defined in paragraph (b) of subsection (5) of Section 6 of this Act.

(2) An approved company shall determine the income tax credit as provided in this section.

(3) An approved company that is an individual sole proprietorship subject to tax under KRS 141.020 ***or***[~~,~~] a corporation subject to tax under KRS 141.040(1)[~~, or a limited liability company treated as a corporation for federal income tax purposes~~] shall:

(a) Compute the income tax due at the applicable tax rates as provided by KRS 141.020 or ***whichever of paragraph (a) or (b) of subsection (5) of KRS*** 141.040 ***applies***[~~,~~] on net income as defined by KRS 141.010(11)***,***[~~ or~~] taxable net income as defined by KRS 141.010(14), ***or gross receipts, as the case may be,*** including income ***or gross receipts*** from an economic development project; and

(b) Compute the income tax due at the applicable tax rates as provided by KRS 141.020 or ***whichever of paragraph (a) or (b) of subsection (5) of KRS*** 141.040 ***applies***[~~,~~] on net income as defined by KRS 141.010(11)***,***[~~ or~~] taxable net income as defined by KRS 141.010(14), ***or gross receipts, as the case may be,*** excluding net income ***or gross receipts*** attributable to an economic development project.

(c) The tax credit shall be the amount by which the tax computed under paragraph (a) of this subsection exceeds the tax computed under paragraph (b) of this subsection; however, the credit shall not exceed the limits set forth in KRS 154.23-005 to 154.23-079.

(4) Notwithstanding any other provisions of this chapter, an approved company that is ***a general***[~~an S corporation,~~] partnership ***not subject to the tax imposed by Section 6 of this Act***[~~, registered limited liability partnership, limited liability company treated as a partnership for federal income tax purposes,~~] or trust ***not subject to the tax imposed by Section 6 of this Act*** shall be subject to income tax on the net income attributable to an economic development project at the rates provided in KRS 141.020(2), as follows:

(a) The amount of the tax credit shall be the same as the amount of the tax computed in this subsection or, upon the annual election of the approved company, in lieu of the tax credit, an amount shall be applied as an estimated tax payment equal to the tax computed in this section. Any estimated tax payment made in this paragraph shall be in satisfaction of the tax liability of the[~~ shareholders,~~] partners[~~, members,~~] or beneficiaries of the ***general***[~~S corporation,~~] partnership[~~, registered limited liability partnership, limited liability company,~~] or trust, and shall be paid on behalf of the[~~ shareholders,~~] partners[~~, members,~~] or beneficiaries.

(b) The tax credit or estimated payment shall not exceed the limits set forth in KRS 154.23-005 to 154.23-079.

(c) If the tax computed in this section exceeds the credit, the excess shall be paid by the ***general***[~~S corporation,~~] partnership[~~, registered limited liability partnership, limited liability company,~~] or trust at the times provided by KRS 141.160 for filing the returns.

(d) Any estimated tax payment made by the ***general***[~~S corporation,~~] partnership[~~, registered limited liability partnership, limited liability company,~~] or trust in satisfaction of the tax liability of[~~ shareholders,~~] partners[~~, members,~~] or beneficiaries shall not be treated as taxable income subject to Kentucky income tax by the[~~ shareholder,~~] partner[~~, member,~~] or beneficiary.

(5) Notwithstanding any other provisions of this chapter, the net income subject to tax, the tax credit, and the estimated tax payment determined under subsection (4) of this section shall be excluded in determining each[~~ shareholder's,~~] partner's[~~, member's,~~] or beneficiary's distributive share of net income or credit of ***a general***[~~an S corporation,~~] partnership[~~,~~

~~registered limited liability partnership, limited liability company,~~] or trust.

(6) If the economic development project is a totally separate facility***:***[~~,~~]

(a) Net income attributable to the project for the purposes of subsections (3), (4), and (5) of this section shall be determined under the separate accounting method reflecting only the gross income, deductions, expenses, gains, and losses allowed under this chapter directly attributable to the facility and overhead expenses apportioned to the facility***; and***

(b) Gross receipts attributable to the project for the purposes of subsection (3) of this section shall be determined under the separate accounting method reflecting only the gross receipts directly attributable to the facility.

(7) If the economic development project is an expansion to a previously existing facility***:***[~~,~~]

(a) Net income attributable to the entire facility shall be determined under the separate accounting method reflecting only the gross income, deductions, expenses, gains, and losses allowed under this chapter directly attributable to the facility, and the net income attributable to the economic development project for the purposes of subsections (3), (4), and (5) of this section shall be determined by apportioning the separate accounting net income of the entire facility to the economic development project by a formula approved by the Revenue Cabinet***; and***

(b) Gross receipts attributable to the entire facility shall be determined under the separate accounting method reflecting only the gross receipts directly attributable to the facility, and gross receipts attributable to the economic development project for the purposes of subsection (3) of this section shall be determined by apportioning the separate accounting gross receipts of the entire facility to the economic development project by a formula approved by the Revenue Cabinet.

(8) If an approved company can show to the satisfaction of the Revenue Cabinet that the nature of the operations and activities of the approved company are such that it is not practical to use the separate accounting method to determine the net income ***or gross receipts*** from the facility at which the economic development project is located, the approved company shall determine net income ***or gross receipts*** from the economic development project using an alternative method approved by the Revenue Cabinet.

(9) The Revenue Cabinet may issue administrative regulations and require the filing of forms designed by the Revenue Cabinet to reflect the intent of KRS 154.23-005 to 154.23-079 and the allowable income tax credit that an approved company may retain under KRS 154.23-005 to 154.23-079.

Section 23. KRS 141.403 is amended to read as follows:

(1) As used in this section, unless the context requires otherwise:

(a) "Approved company" shall have the same meaning as set forth in KRS 154.26-010;

(b) "Economic revitalization project" shall have the same meaning as set forth in KRS 154.26-010;

(c) "Tax credit" means the tax credit allowed in KRS 154.26-090***; and***

(d) "Gross receipts" means gross receipts as defined in paragraph (b) of subsection (5) of Section 6 of this Act.

(2) An approved company shall determine the[~~ income~~] tax credit as provided in this section.

(3) An approved company which is an individual sole proprietorship subject to tax under KRS 141.020 ***or***[~~,~~] a corporation subject to tax under KRS 141.040(1)[~~, or a limited liability company treated as a corporation for federal income tax purposes~~] shall:

(a) Compute the income tax due at the applicable tax rates as provided by KRS 141.020 or ***whichever of paragraph (a) or (b) of subsection (5) of KRS*** 141.040 ***applies*** on net income as defined by KRS 141.010(11)***,***[~~ or~~] taxable net income as defined by KRS 141.010(14), ***or gross receipts, as the case may be,*** including income ***or gross receipts*** from an economic revitalization project;

(b) Compute the income tax due at the applicable tax rates as provided by KRS 141.020 or ***whichever of paragraph (a) or (b) of subsection (5) of KRS*** 141.040 ***applies*** on net income as defined by KRS 141.010(11)***,***[~~ or~~] taxable net income as defined by KRS 141.010(14), ***or gross receipts, as the case may be,*** excluding net income ***or gross receipts*** attributable to an economic revitalization project; and

(c) The tax credit shall be the amount by which the tax computed under paragraph (a) of this subsection exceeds the tax computed under paragraph (b) of this subsection; however, the credit shall not exceed the limits set forth in KRS 154.26-090.

(4) (a) Notwithstanding any other provisions of this chapter, an approved company which is ***a general***[~~an S corporation,~~] partnership ***not subject to the tax imposed by Section 6 of this Act***[~~, registered limited liability partnership, limited liability company treated as a partnership for federal income tax purposes,~~] or trust ***not subject to the tax imposed by Section 6 of this Act*** shall be subject to income tax on the net income attributable to an economic revitalization project at the rates provided in KRS 141.020(2).

(b) The amount of the tax credit shall be the same as the amount of the tax computed in this subsection or, upon the annual election of the approved company, in lieu of the tax credit, an amount shall be applied as an estimated tax payment equal to the tax computed in this section. Any estimated tax payment made pursuant to this paragraph shall be in satisfaction of the tax liability of the[~~ shareholders,~~] partners[~~, members,~~] or beneficiaries of the ***general***[~~S corporation,~~] partnership[~~, registered limited liability partnership, limited liability company,~~] or trust, and shall be paid on behalf of the[~~ shareholders,~~] partners[~~, members,~~] or beneficiaries.

(c) The tax credit or estimated payment shall not exceed the limits set forth in KRS 154.26-090.

(d) If the tax computed in this section exceeds the tax credit, the difference shall be paid by the ***general***[~~S corporation,~~] partnership[~~, registered limited liability partnership, limited liability company,~~] or trust at the times provided by KRS 141.160 for filing the returns.

(e) Any estimated tax payment made by the ***general***[~~S corporation,~~] partnership[~~, registered limited liability partnership, limited liability company,~~] or trust in satisfaction of the tax liability of[~~ shareholders,~~] partners[~~, members,~~] or beneficiaries shall not be treated as taxable income subject to Kentucky income tax by the[~~ shareholder,~~] partner[~~, member,~~] or beneficiary.

(5) Notwithstanding any other provisions of this chapter, the net income subject to tax, the tax credit, and the estimated tax payment determined under subsection (4) of this section shall be excluded in determining each[~~ shareholder's,~~] partner's[~~, member's,~~] or beneficiaries' distributive share of net income or credit of ***a general***[~~an S corporation,~~] partnership[~~, registered limited liability partnership, limited liability company,~~] or trust.

(6) If the economic ***revitalization***[~~development~~] project is a totally separate facility***:***[~~,~~]

(a) Net income attributable to the project for the purposes of subsections (3), (4), and (5) of this section shall be determined under the separate accounting method reflecting only the gross income, deductions, expenses, gains, and losses allowed under KRS Chapter 141 directly attributable to the facility and overhead expenses apportioned to the facility***; and***

(b) Gross receipts attributable to the project for purposes of subsection (3) of this section shall be determined under the separate accounting method reflecting only the gross receipts directly attributable to the facility.

(7) If the economic ***revitalization***[~~development~~] project is an expansion to a previously existing facility***:***[~~,~~]

(a) Net income attributable to the entire facility shall be determined under the separate accounting method reflecting only the gross income, deductions, expenses, gains, and losses allowed under KRS Chapter 141 directly attributable to the facility and overhead expenses apportioned to the facility, and the net income attributable to the economic ***revitalization***[~~development~~] project for the purposes of subsections (3), (4), and (5) of this section shall be determined by apportioning the separate accounting net income of the entire facility to the economic ***revitalization***[~~development~~] project by a formula approved by the Revenue Cabinet***; and***

(b) Gross receipts attributable to the entire facility shall be determined under the separate accounting method reflecting only the gross receipts directly attributable to the facility. Gross receipts attributable to the economic revitalization project for purposes of subsection (3) of this section shall be determined by apportioning the separate accounting gross receipts of the entire facility to the economic revitalization project pursuant to a formula approved by the Revenue Cabinet.

(8) If an approved company can show to the satisfaction of the Revenue Cabinet that the nature of the operations and activities of the approved company are such that it is not practical to use the separate accounting method to determine the net income from the facility at which the economic ***revitalization***[~~development~~] project is located, the approved company shall determine net income from the economic ***revitalization***[~~development~~] project using an alternative method approved by the Revenue Cabinet.

(9) The Revenue Cabinet may issue administrative regulations and require the filing of forms designed by the Revenue Cabinet to reflect the intent of KRS 154.26-010 to 154.26-100 and the allowable income tax credit which an approved company may retain under KRS 154.26-010 to 154.26-100.

Section 24. KRS 141.405 is amended to read as follows:

(1) As used in this section, unless the context requires otherwise:

(a) "Approved company" has the same meaning as set forth in KRS 154.12-2084;[~~ and~~]

(b) "Skills training investment credit" has the same meaning as set forth in KRS 154.12-2084***; and***

(c) "Gross receipts" means gross receipts as defined in paragraph (b) of subsection (5) of Section 6 of this Act.

(2) An approved company shall determine the[~~ income~~] tax credit as provided in this section.

(3) (a) An approved company which is an individual sole proprietorship subject to tax under KRS 141.020 or a corporation subject to tax under KRS 141.040(1) shall compute the income tax due at the applicable tax rates as provided by KRS 141.020 or ***whichever of paragraph (a) or (b) of subsection (5) of KRS*** 141.040 ***applies***[~~,~~] on net income as defined by KRS 141.010(11),[~~ or~~] taxable net income as defined by KRS 141.010(14) ***or gross receipts, as the case may be***;

(b) The amount of the skills training investment credit that the Bluegrass State Skills Corporation has given final approval for under KRS 154.12-2088(6) shall be applied against the amount of the tax computed under paragraph (a) of this subsection; and

(c) The skills training investment credit payment shall not exceed the amount of the final approval awarded by the Bluegrass State Skills Corporation under KRS 154.12-2088(6).

(4) (a) In the case of an approved company which is ***a general***[~~an S corporation or~~] partnership ***not subject to the tax imposed by Section 6 of this Act,*** the amount of the tax credit awarded by the Bluegrass State Skills Corporation in KRS 154.12-2088(6) shall be apportioned among the shareholders or partners thereof at the same ratio as the[~~ shareholders' or~~] partners' distributive shares of income are determined for the tax year during which the final authorization resolution is adopted by the Bluegrass State Skills Corporation in KRS 154.12-2088(6).

(b) The amount of the tax credit apportioned to each[~~ shareholder or~~] partner that may be claimed in any tax year of the shareholder or partner shall be determined in accordance with the provisions of KRS 154.12-2086.

(5) (a) In the case of an approved company that is a trust ***not subject to the tax imposed by Section 6 of this Act***, the amount of the tax credit awarded by the Bluegrass State Skills Corporation in KRS 154.12-2088(6) shall be apportioned to the trust and the beneficiaries on the basis of the income of the trust allocable to each for the tax year during which the final authorizing resolution is adopted by the Bluegrass State Skills Corporation in KRS 154.12-2088(6).

(b) The amount of tax credit apportioned to each trust or beneficiary that may be claimed in any tax year of the trust or beneficiary shall be determined in accordance with the provisions of KRS 154.12-2086.

(6) The Revenue Cabinet may promulgate administrative regulations in accordance with KRS Chapter 13A adopting forms and procedures for the reporting of the credit allowed in KRS 154.12-2084 to 154.12-2089.

Section 25. KRS 141.407 is amended to read as follows:

(1) As used in this section, unless the context requires otherwise:

(a) "Approved company" shall have the same meaning as set forth in KRS 154.24-010;

(b) "Economic development project" shall have the same meaning as economic development project as set forth in KRS 154.24-010;

(c) "Tax credit" means the tax credit allowed in KRS 154.24-020 to 154.24-150***; and***

(d) "Gross receipts" means gross receipts as defined in paragraph (b) of subsection (5) of Section 6 of this Act.

(2) An approved company shall determine the[~~ income~~] tax credit as provided in this section.

(3) An approved company which is an individual sole proprietorship subject to tax under KRS 141.020 ***or***[~~,~~] a corporation subject to tax under KRS 141.040(1)[~~, or a limited liability company treated as a corporation for federal income tax purposes~~] shall:

(a) Compute the income tax due at the applicable tax rates as provided by KRS 141.020 or ***whichever of paragraph (a) or (b) of subsection (5) of KRS*** 141.040 ***applies*** on net income as defined by KRS 141.010(11),[~~ or~~] taxable net income as defined by KRS 141.010(14), ***or gross receipts, as the case may be,*** including income ***or gross receipts*** from an economic development project;

(b) Compute the income tax due at the applicable tax rates as provided by KRS 141.020 or ***whichever of paragraph (a) or (b) of subsection (5) of KRS*** 141.040 ***applies*** on net income as defined by KRS 141.010(11),[~~ or~~] taxable net income as defined by KRS 141.010(14), ***or gross receipts, as the case may be,*** excluding net income ***or gross receipts*** attributable to an economic development project; and

(c) The tax credit shall be the amount by which the tax computed under paragraph (a) of this subsection exceeds the tax computed under paragraph (b) of this subsection; however, the credit shall not exceed the limits set forth in KRS 154.24-020 to 154.24-150.

(4) (a) Notwithstanding any other provisions of this chapter, an approved company which is ***a general***[~~an S corporation,~~] partnership ***not subject to the tax imposed by Section 6 of this Act***[~~, registered limited liability partnership, limited liability company treated as a partnership for federal income tax purposes,~~] or ***a*** trust ***not subject to the tax imposed by Section 6 of this Act*** shall be subject to income tax on the net income attributable to an economic development project at the rates provided in KRS 141.020(2).

(b) The amount of the tax credit shall be the same as the amount of the tax computed in this subsection or, upon the annual election of the approved company, in lieu of the tax credit, an amount shall be applied as an estimated tax payment equal to the tax computed in this section. Any estimated tax payment made pursuant to this paragraph shall be in satisfaction of the tax liability of the[~~ shareholders,~~] partners[~~, members,~~] or beneficiaries of the ***general***[~~S corporation,~~] partnership[~~, registered limited liability partnership, limited liability company,~~] or trust, and shall be paid on behalf of the[~~ shareholders,~~] partners[~~, members,~~] or beneficiaries.

(c) The tax credit or estimated payment shall not exceed the limits set forth in KRS 154.24-020 to 154.24-150.

(d) If the tax computed herein exceeds the credit, the excess shall be paid by the ***general***[~~S corporation,~~] partnership[~~, registered limited liability partnership, limited liability company,~~] or trust at the times provided by KRS 141.160 for filing the returns.

(e) Any estimated tax payment made by the ***general***[~~S corporation,~~] partnership[~~,~~] or trust in satisfaction of the tax liability of~~[shareholders,]~~ partners~~[, members,]~~ or beneficiaries shall not be treated as taxable income subject to Kentucky income tax by the~~[shareholder,]~~ partner~~[, member,]~~ or beneficiary.

(5) Notwithstanding any other provisions of this chapter, the net income subject to tax, the tax credit, and the estimated tax payment determined under subsection (4) of this section shall be excluded in determining each~~[shareholder's,]~~ partner's~~[, member's,]~~ or beneficiaries' distributive share of net income or credit of ***a general***~~[an S corporation,]~~ partnership~~[, registered limited liability partnership, limited liability company,]~~ or trust.

(6) If the economic development project is a totally separate facility***:***~~[,]~~

(a) Net income attributable to the project for the purposes of subsections (3), (4), and (5) of this section shall be determined under the separate accounting method reflecting only the gross income, deductions, expenses, gains, and losses allowed under KRS Chapter 141 directly attributable to the facility and overhead expenses apportioned to the facility***; and***

(b) Gross receipts attributable to the project for the purposes of subsection (3) of this section shall be determined under the separate accounting method reflecting only the gross receipts directly attributable to the facility.

(7) If the economic development project is an expansion to a previously existing facility***:***~~[,]~~

(a) Net income attributable to the entire facility shall be determined under the separate accounting method reflecting only the gross income, deductions, expenses, gains, and losses allowed under KRS Chapter 141 directly attributable to the facility and overhead expenses apportioned to the facility, and the net income attributable to the economic development project for the purposes of subsections (3), (4), and (5) of this section shall be determined by apportioning the separate accounting net income of the entire facility to the economic development project by a formula approved by the Revenue Cabinet***; and***

(b) Gross receipts attributable to the entire facility shall be determined under the separate accounting method reflecting only the gross receipts directly attributable to the facility, and gross receipts attributable to the economic development project for the purposes of subsection (3) of this section shall be determined by apportioning the separate accounting gross receipts of the entire facility to the economic development project by a formula approved by the Revenue Cabinet.

(8) If an approved company can show to the satisfaction of the Revenue Cabinet that the nature of the operations and activities of the approved company are such that it is not practical to use the separate accounting method to determine the net income ***or gross receipts*** from the facility at which the economic development project is located, the approved company shall determine net income ***or gross receipts*** from the economic development project using an alternative method approved by the Revenue Cabinet.

(9) The Revenue Cabinet may promulgate administrative regulations and require the filing of forms designed by the Revenue Cabinet to reflect the intent of KRS 154.24-010 to 154.24-150 and the allowable income tax credit which an approved company may retain under KRS 154.24-010 to 154.24-150.

Section 26. KRS 141.410 is amended to read as follows:

As used in KRS 141.410 to 141.414, unless the context requires otherwise:

(1) "Approved costs" means the costs incurred during the taxable year by a qualified farming operation for training and improving the skills of managers and employees involved in a networking project.

(2) "Business network" means a formalized, collaborative mechanism organized by and operating among three (3) or more qualified farming operations, industrial entities, business enterprises, or private sector firms for the purposes of, but not limited to: pooling expertise; improving responses to changing technology or markets; lowering the risks to individual entities of accelerated modernization; encouraging new technology investments, new market development, and employee skills improvement; and developing a system of collective intelligence among participating entities.

(3) "Food producing facilities" means establishments that manufacture or process foods and beverages for human consumption, and which are included under the ***three (3) digit NAISC***~~[two (2) digit SIC]~~ code ***three hundred eleven (311)***~~[20]~~;

(4) "Networking project" means a project by which farmers and other entities involved in the production of food join together to form a network approved by the Cabinet for Economic Development for the purpose of producing or expanding the production of crops or livestock necessary for the establishment or expansion of secondary food-producing facilities in Kentucky.

(5) "Qualified farming operation" means an individual, sole proprietorship, partnership, joint venture, trust, unincorporated organization, association, corporation, or institution, engaged in farming in Kentucky that provides raw materials for food-producing facilities in Kentucky, and that purchases new buildings or equipment, or that incurs training expenses, to support its participation in a networking project.

(6) "***NAICS***~~[SIC]~~ code" means the classification system grouping business operations or enterprises as published in the ***North American Industry Classification System - United States Manual published by Convergence Working Group and***~~["Standard Industrial Classification Manual" of]~~ the United States Office of Management and Budget, ***2002***~~[1987]~~ edition.

(7) "Gross receipts" means gross receipts as defined in paragraph (b) of subsection (5) of Section 6 of this Act.

Section 27. KRS 141.414 is amended to read as follows:

(1) A qualified farming operation which is an individual sole proprietorship subject to tax under KRS 141.020 or a corporation subject to tax under KRS 141.040(1) shall:

(a) Compute the income tax due at the applicable tax rates as provided by KRS 141.020 or ***whichever of paragraph (a) or (b) of subsection (5) of KRS*** 141.040 ***applies*** on net income as defined by KRS 141.010(11)***,***[~~ or~~] taxable net income as defined by KRS 141.010(14), ***or gross receipts, as the case may be,*** including income ***or gross receipts*** from the qualified farming operation's participation in a networking project.

(b) Compute the income tax due at the applicable tax rates as provided by KRS 141.020 or ***whichever of paragraph (a) or (b) of subsection (5) of KRS*** 141.040 ***applies*** on net income as defined by KRS 141.010(11)***,***[~~ or~~] taxable net income as defined by KRS 141.010(14), ***or gross receipts, as the case may be,*** excluding net income ***or gross receipts*** attributable to the qualified farming operation's participation in a networking project; and

(c) Be entitled to a tax credit in the amount by which the tax computed under paragraph (a) of this subsection exceeds the tax computed under paragraph (b) of this subsection. The credit shall not exceed the farming operation's approved costs, as defined in KRS 141.410.

(2) Notwithstanding any other provisions of this chapter, a qualified farming operation which is ***a general***[~~an S corporation,~~] partnership ***not subject to the tax imposed by Section 6 of this Act***[~~,~~] or trust ***not subject to the tax imposed by Section 6 of this Act*** shall be subject to income tax on the net income attributable to its participation in a networking project at the rates provided in KRS 141.020(2), and the amount of the tax credit shall be the same as the amount of the tax computed in this subsection. The credit shall not exceed the farming operation's approved costs, as defined in KRS 141.410. If the tax computed in this subsection exceeds the tax credit, the difference shall be paid by the ***general***[~~S corporation,~~] partnership[~~,~~] or trust at the times provided by KRS 141.160 for filing the returns.

(3) Notwithstanding any other provisions of this chapter, the net income subject to tax and the tax credit determined under subsection (2) of this section shall be excluded in determining each[~~ shareholder's,~~] partner's[~~,~~] or beneficiary's distributive share of net income or credit of ***a***[~~an S corporation,~~] partnership[~~,~~] or trust.

(4) If the networking entity is a separate facility***:***[~~,~~]

(a) Net income attributable to the project for the purposes of subsections (1), (2), and (3) of this section shall be determined under the separate accounting method reflecting only the gross income, deductions, expenses, gains, and losses allowed under KRS Chapter 141 directly attributable to the project and overhead expenses apportioned to the ***facility; and***

(b) Gross receipts attributable to the project for the purposes of subsection (1) of this section shall be determined under the separate accounting method reflecting only the gross receipts directly attributable to the facility[~~project~~].

(5) If the networking project is an expansion to a previously existing farming operation***:***[~~,~~]

(a) Net income attributable to the entire operation shall be determined under the separate accounting method reflecting only the gross income, deductions, expenses, gains, and losses allowed under this chapter directly attributable to the farming operation's participation in the networking project and overhead expenses apportioned to the networking project, and the net income attributable to the networking project for the purposes of subsections (1), (2), and (3) of this section shall be determined by apportioning the separate accounting net income of the entire networking project to the networking project by a formula approved by the Revenue Cabinet***; and***

(b) Gross receipts attributable to the entire facility shall be determined under the separate accounting method reflecting only the gross receipts directly attributable to the facility, and gross receipts attributable to the economic development project for the purposes of subsection (1) of this section shall be determined by apportioning the separate accounting gross receipts of the entire facility to the economic development project by a formula approved by the Revenue Cabinet.

(6) If an approved company can show to the satisfaction of the Revenue Cabinet that the nature of the operations and activities of the approved farming operation are such that it is not practical to use the separate accounting method to determine the net income ***or gross receipts*** from the networking project, the approved farming operation shall determine net income ***or gross receipts*** from its participation in the networking project using an alternative method approved by the Revenue Cabinet.

(7) The Revenue Cabinet may promulgate administrative regulations pursuant to KRS Chapter 13A and require the filing of forms designed by the Revenue Cabinet necessary to effectuate KRS 141.0101 and KRS 141.410 to 141.414 and the allowable income tax credit which an approved farming operation may retain under the provisions of KRS 141.412 and this section.

Section 28. KRS 141.415 is amended to read as follows:

(1) As used in this section, unless the context requires otherwise:

(a) "Approved company" has the same meaning as set forth in KRS 154.34-010;

(b) "Reinvestment project" has the same meaning as set forth in KRS 154.34-010;[~~ and~~]

(c) "Tax credit" means the tax credit allowed in KRS 154.34-080***; and***

(d) "Gross receipts" means gross receipts as defined in paragraph (b) of subsection (5) of Section 6 of this Act.

(2) An approved company shall determine the income tax credit as provided in this section.

(3) An approved company which is an individual sole proprietorship subject to tax under KRS 141.020 ***or***[~~,~~] a corporation subject to tax under KRS 141.040(1)[~~, or limited liability company treated as a corporation for federal income tax purposes~~] shall:

(a) Compute the income tax due at the applicable tax rates as provided by KRS 141.020 or ***whichever of paragraph (a) or (b) of subsection (5) of KRS*** 141.040 ***applies*** on net income as defined by KRS 141.010(11)***,***[~~ or~~] taxable net income as defined by KRS 141.010(14), ***or gross receipts, as the case may be,*** including income ***or gross receipts*** from a reinvestment project;

(b) Compute the income tax due at the applicable tax rates as provided by KRS 141.020 or ***whichever of paragraph (a) or (b) of subsection (5) of KRS*** 141.040 ***applies*** on net income as defined by KRS 141.010(11)***,***[~~ or~~] taxable net income as defined by KRS 141.010(14), ***or gross receipts, as the case may be,*** excluding net income ***or gross receipts*** attributable to a reinvestment project; and

(c) The tax credit shall be the amount by which the tax computed under paragraph (a) of this subsection exceeds the tax computed under paragraph (b) of this subsection; however, the credit shall not exceed the limits set forth in KRS 154.34-080.

(4) (a) Notwithstanding any other provisions of this chapter, an approved company which is ***a general***[~~an S corporation,~~] partnership ***not subject to the tax imposed by Section 6 of this Act***[~~, registered limited liability partnership, limited liability company treated as a partnership for federal income tax purposes,~~] or trust ***not subject to the tax imposed by Section 6 of this Act*** shall be subject to income tax on the net income attributable to a reinvestment project at the rates provided in KRS 141.020(2).

(b) The amount of the tax credit shall be the same as the amount of the tax computed in this subsection or, upon the annual election of the approved company, in lieu of the tax credit, an amount shall be applied as an estimated tax payment equal to the tax computed in this section. Any estimated tax payment made pursuant to this paragraph shall be in satisfaction of the tax liability of the[~~ shareholders,~~] partners[~~, members,~~] or beneficiaries of the ***general***[~~S corporation,~~] partnership[~~, registered limited liability partnership, limited liability company,~~] or trust, and shall be paid on behalf of the[~~ shareholders,~~] partners[~~, members,~~] or beneficiaries.

(c) The tax credit or estimated payment shall not exceed the limits set forth in KRS 154.34-080.

(d) If the tax computed in this section exceeds the tax credit, the difference shall be paid by the ***general***[~~S corporation,~~] partnership[~~, registered limited liability partnership, limited liability company,~~] or trust at the times provided by KRS 141.160 for filing the returns.

(e) Any estimated tax payment made by the ***general***[~~S corporation,~~] partnership[~~, registered limited liability partnership, limited liability company,~~] or trust in satisfaction of the tax liability of[~~ shareholders,~~] partners[~~, members,~~] or beneficiaries[~~,~~] shall not be treated as taxable income subject to Kentucky income tax by the[~~ shareholder,~~] partner[~~, member,~~] or beneficiary.

(5) Notwithstanding any other provisions of this chapter, the net income subject to tax, the tax credit, and the estimated tax payment determined under subsection (4) of this section shall be excluded in determining each[~~ shareholder's,~~] partner's[~~, member's,~~] or beneficiary's distributive share of net income or credit of ***a general***[~~an S corporation,~~] partnership[~~, registered limited liability partnership, limited liability company~~] or trust.

(6) If the reinvestment project is a totally separate facility***:***[~~,~~]

(a) Net income attributable to the project for the purposes of subsections (3), (4), and (5) of this section shall be determined under the separate accounting method reflecting only the gross income, deductions, expenses, gains, and losses allowed under KRS Chapter 141 directly attributable to the facility and overhead expenses apportioned to the facility***; and***

(b) Gross receipts attributable to the project for the purposes of subsection (3) of this section shall be determined under the separate accounting method reflecting only the gross receipts directly attributable to the facility.

(7) If the reinvestment project is an expansion to a previously existing facility***:***[~~,~~]

(a) Net income attributable to the entire facility shall be determined under the separate accounting method reflecting only the gross income, deductions, expenses, gains, and losses allowed under KRS Chapter 141 directly attributable to the facility and overhead expenses apportioned to the facility, and the net income attributable to the reinvestment project for the purposes of subsections (3), (4), and (5) of this section shall be determined by apportioning the separate accounting net income of the entire facility to the reinvestment project by a formula approved by the Revenue Cabinet***; and***

(b) Gross receipts attributable to the entire facility shall be determined under the separate accounting method

reflecting only the gross receipts directly attributable to the facility, and gross receipts attributable to the economic development project for the purposes of subsection (3) of this section shall be determined by apportioning the separate accounting gross receipts of the entire facility to the economic development project by a formula approved by the Revenue Cabinet.

(8) If an approved company can show to the satisfaction of the Revenue Cabinet that the nature of the operations and activities of the approved company are such that it is not practical to use the separate accounting method to determine the net income ***or gross receipts*** from the facility at which the reinvestment project is located, the approved company shall determine net income ***or gross receipts*** from the reinvestment project using an alternative method approved by the Revenue Cabinet.

(9) The Revenue Cabinet may issue administrative regulations and require the filing of forms designed by the Revenue Cabinet to reflect the intent of KRS 154.34-010 to 154.34-100 and the allowable income tax credit which an approved company may retain under KRS 154.34-010 to 154.34-100.

Section 29. KRS 141.990 is amended to read as follows:

(1) Any individual, fiduciary, corporation, employer, or other person who violates any of the provisions of this chapter shall be subject to the uniform civil penalties imposed pursuant to KRS 131.180.

(2) Any individual required by KRS 141.300 to file a declaration of estimated tax and required by KRS 141.305 to pay the declaration of estimated tax shall be subject to a penalty as provided in KRS 131.180 for any declaration underpayment or any late payment. Underpayment, for purposes of this subsection, is determined by subtracting declaration credits allowed by KRS 141.070, declaration installment payments actually made, and credit for tax withheld as allowed by KRS 141.350 from seventy percent (70%) of the total income tax liability computed by the taxpayer as shown on the return filed for the tax year. This subsection shall not apply to the tax year in which the death of the taxpayer occurs, nor in the case of a farmer exercising an election under subsection (5) of KRS 141.305, nor in the case of any person having a tax liability of two hundred dollars ($200) or less.

(3) Any corporation required by KRS 141.042 to file a declaration of estimated tax and required to pay the declaration of estimated tax by the installment method prescribed by subsection (1) of KRS 141.044 shall be subject to a penalty as provided in KRS 131.180 for any declaration underpayment or any installment not paid on time. Declaration underpayment, for purposes of this subsection, is determined by subtracting five thousand dollars ($5,000) and declaration payments actually made from seventy percent (70%) of the total~~[income]~~ tax liability ***due under the provisions of Section 6 of this Act and*** computed by the taxpayer on the return filed for the tax year.

(4) Every tax imposed by this chapter, and all increases, interest, and penalties thereon, shall become, from the time it is due and payable, a personal debt to the state from the taxpayer or other person liable therefor.

(5) In addition to the penalties herein prescribed, any taxpayer or employer, who willfully fails to make a return or willfully makes a false return, or who willfully fails to pay taxes owing or collected, with intent to evade payment of the tax or amount collected, or any part thereof, shall be guilty of a Class D felony.

(6) Any person who willfully aids or assists in, or procures, counsels, or advises the preparation or presentation under, or in connection with any matter arising under this chapter of a return, affidavit, claim, or other document, which is fraudulent or is false as to any material matter, whether or not the falsity or fraud is with the knowledge or consent of the person authorized or required to present such return, affidavit, claim, or document, shall be guilty of a Class D felony.

(7) A return for the purpose of this section shall mean and include any return, declaration, or form prescribed by the cabinet and required to be filed with the cabinet by the provisions of this chapter, or by the rules and regulations of the cabinet or by written request for information to the taxpayer by the cabinet.

Section 30. KRS 136.530 is amended to read as follows:

(1) The receipts factor is a fraction, the numerator of which is the receipts of the financial institution in this Commonwealth during the taxable year as determined by subsection (2) of this section and the denominator of which is the receipts of the financial institution within and without this Commonwealth during the taxable year. Receipts shall include the following:

(a) Receipts from the lease or rental of real property owned by the financial institution;

(b) Receipts from the lease or rental of tangible personal property owned by the financial institution;

(c) Interest and fees or penalties in the nature of interest from loans secured by real property;

(d) Interest and fees or penalties in the nature of interest from loans not secured by real property;

(e) Net gains from the sale of loans. Net gains from the sale of loans includes income recorded under the coupon stripping rules of Section 1286 of the Internal Revenue Code;

(f) Interest and fees or penalties in the nature of interest from credit card receivables and receipts from fees charged to card holders, such as annual fees;

(g) Net gains, but not less than zero (0), from the sale of credit card receivables;

(h) All credit card issuer's reimbursement fees;

(i) Receipts from merchant discount. Receipts from merchant discount shall be computed net of any cardholder charge backs, but shall not be reduced by any interchange transaction fees or by any issuer's reimbursement fees paid to another for charges made by its card holders;

(j) Loan servicing fees derived from loans secured by real property;

(k) Loan servicing fees derived from loans not secured by real property;

(l) Interest, dividends, net gains, but not less than zero (0), and other income from investment assets and activities and from trading assets and activities. Investment assets and activities and trading assets and activities include but are not limited to investment securities, trading account assets, federal funds, securities purchased and sold under agreements to resell or repurchase, options, futures contracts, forward contracts, notional principal contracts such as swaps, equities, and foreign currency transactions. The receipts factor shall include the following amounts:

1. The amount by which interest from federal funds sold and securities purchased under resale agreements exceeds interest expense on federal funds purchased and securities sold under repurchase agreements; and

2. The amount by which interest, dividends, gains, and other income from trading assets and activities, including but not limited to assets and activities in the matched book, in the arbitrage book, and foreign currency transactions, exceed amounts paid in lieu of interest, amounts paid in lieu of dividends, and losses from these assets and activities;

(m) All receipts derived from sales that would be included in the factor established by ***paragraph (c) of subsection (8) of Section 9 of this Act***[~~KRS 136.070(3)(d)1., 2., and 3.~~]; and

(n) Receipts from services not otherwise specifically listed.

(2) A determination of whether receipts should be included in the numerator of the fraction shall be made as follows:

(a) Receipts from the lease or rental of real property owned by the financial institution shall be included in the numerator if the property is located within this Commonwealth or receipts from the sublease of real property if the property is located within this Commonwealth.

(b) 1. Except as described in subparagraph 2. of this paragraph, receipts from the lease or rental of tangible personal property owned by the financial institution shall be included in the numerator if the property is located within this Commonwealth when it is first placed in service by the lessee.

2. Receipts from the lease or rental of transportation property owned by the financial institution are included in the numerator of the receipts factor to the extent that the property is used in this Commonwealth. The extent an aircraft will be deemed to be used in this Commonwealth and the amount of receipts that is to be included in the numerator of this Commonwealth's receipts factor is determined by multiplying all the receipts from the lease or rental of the aircraft by a fraction, the numerator of which is the number of landings of the aircraft in this Commonwealth and the denominator of which is the total number of landings of the aircraft. If the extent of the use of any transportation property within this Commonwealth cannot be determined, then the property shall be deemed to be used wholly in the state in which the property has its principal base of operations. A motor vehicle shall be deemed to be used wholly in the state in which it is registered.

(c) 1. Interest and fees or penalties in the nature of interest from loans secured by real property shall be included in the numerator if the property is located within this Commonwealth. If the property is located both within this Commonwealth and one (1) or more other states, receipts shall be included if more than fifty percent (50%) of the fair market value of the real property is located within this Commonwealth. If more than fifty percent (50%) of the fair market value of the real property is not located within any one (1) state, then the receipts described in this subparagraph shall be included in the numerator if the borrower is located in this Commonwealth.

2. The determination of whether the real property securing a loan is located within this Commonwealth shall be made as of the time the original agreement was made, and any subsequent substitutions of collateral shall be disregarded.

(d) Interest and fees or penalties in the nature of interest from loans not secured by real property shall be included in the numerator if the borrower is located in this Commonwealth.

(e) Net gains from the sale of loans shall be included in the numerator as provided in subparagraphs 1. and 2. of this paragraph. Net gains from the sale of loans includes income recorded under the coupon stripping rules of Section 1286 of the Internal Revenue Code.

1. The amount of net gains, but not less than zero (0), from the sale of loans secured by real property included in the numerator is determined by multiplying net gains by a fraction the numerator of which is the amount included in the numerator of the receipts factor pursuant to paragraph (c) of this subsection and the denominator of which is the total amount of interest and fees or penalties in the nature of interest from loans secured by real property.

2. The amount of net gains, but not less than zero (0), from the sale of loans not secured by real property included in the numerator is determined by multiplying net gains by a fraction the numerator of which is the amount included in the numerator of the receipts factor pursuant to paragraph (d) of this subsection and the

denominator of which is the total amount of interest and fees or penalties in the nature of interest from loans not secured by real property.

(f) Interest and fees or penalties in the nature of interest from credit card receivables and receipts from fees charged to card holders, such as annual fees, shall be included in the numerator if the billing address of the card holder is in this Commonwealth.

(g) Net gains, but not less than zero (0), from the sale of credit card receivables to be included in the numerator shall be determined by multiplying the amount established in paragraph (g) of subsection (1) of this section by a fraction the numerator of which is the amount included in the numerator of the receipts factor pursuant to paragraph (f) of this subsection and the denominator of which is the financial institution's total amount of interest and fees or penalties in the nature of interest from credit card receivables and fees charged to card holders..

(h) Credit card issuer's reimbursement fees to be included in the numerator shall be determined by multiplying the amount established in paragraph (h) of subsection (1) of this section by a fraction the numerator of which is the amount included in the numerator of the receipts factor pursuant to paragraph (f) of this subsection and the denominator of which is the financial institution's total amount of interest and fees or penalties in the nature of interest from credit card receivables and fees charged to card holders.

(i) Receipts from merchant discount shall be included in the numerator if the commercial domicile of the merchant is in this Commonwealth. Receipts from merchant discount shall be computed net of any cardholder charge backs but shall not be reduced by any interchange transaction fees or by any issuer's reimbursement fees paid to another for charges made by its card holders.

(j) 1. a. Loan servicing fees derived from loans secured by real property to be included in the numerator shall be determined by multiplying the amount determined under paragraph (j) of subsection (1) of this section by a fraction the numerator of which is the amount included in the numerator of the receipts factor pursuant to paragraph (c) of this subsection and the denominator of which is the total amount of interest and fees or penalties in the nature of interest from loans secured by real property.

b. Loan servicing fees derived from loans not secured by real property to be included in the numerator shall be determined by multiplying the amount determined under paragraph (k) of subsection (1) of this section by a fraction the numerator of which is the amount included in the numerator of the receipts factor pursuant to paragraph (d) of this subsection and the denominator of which is the total amount of interest and fees or penalties in the nature of interest from loans not secured by real property.

2. In circumstances in which the financial institution receives loan servicing fees for servicing either the secured or the unsecured loans of another, the numerator of the receipts factor shall include the fees if the borrower is located in this Commonwealth.

(k) Receipts from services not otherwise apportioned under this section shall be included in the numerator if the service is performed in this Commonwealth. If the service is performed both within and without this Commonwealth, the numerator of the receipts factor includes receipts from services not otherwise apportioned under this section, if a greater proportion of the income-producing activity is performed in this Commonwealth based on cost of performance.

(l) 1. The numerator of the receipts factor includes interest, dividends, net gains, but not less than zero (0), and other income from investment assets and activities and from trading assets and activities described in paragraph (l) of subsection (1) of this section that are attributable to this Commonwealth.

a. The amount of interest, dividends, net gains, but not less than zero (0), and other income from investment assets and activities in the investment account to be attributed to this Commonwealth and included in the numerator is determined by multiplying all income from the assets and activities by a fraction the numerator of which is the average value of the assets that are properly assigned to a regular place of business of the financial institution within this Commonwealth and the denominator of which is the average value of all the assets.

b. The amount of interest from federal funds sold and purchased and from securities purchased under resale agreements and securities sold under repurchase agreements attributable to this Commonwealth and included in the numerator is determined by multiplying the amount described in subparagraph 1. of paragraph (l) of subsection (1) of this section from funds and securities by a fraction the numerator of which is the average value of federal funds sold and securities purchased under agreements to resell which are properly assigned to a regular place of business of the financial institution within this Commonwealth and the denominator of which is the average value of all funds and securities.

c. The amount of interest, dividends, gains, and other income from trading assets and activities, including but not limited to assets and activities in the matched book, in the arbitrage book, and foreign currency transactions, but excluding amounts described in subdivisions a. and b. of this subparagraph, attributable to this Commonwealth and included in the numerator is determined by multiplying the amount described in subparagraph 2. of paragraph (l) of subsection (1) of this section by a fraction the numerator of which is the average value of trading assets which are properly assigned to a regular place of business of the financial institution within this Commonwealth and the denominator of which is the average value of all assets.

d. For purposes of this subparagraph, average value shall be determined using the rules for determining the average value of tangible personal property set forth in KRS 136.535(3) and (4).

2. In lieu of using the method set forth in subparagraph 1. of this paragraph, the financial institution may elect, or the cabinet may require in order to fairly represent the business activity of the financial institution in this Commonwealth, the use of the method set forth in this subparagraph.

a. The amount of interest, dividends, net gains, but not less than zero (0), and other income from investment assets and activities in the investment account to be attributed to this Commonwealth and included in the numerator is determined by multiplying all income from assets and activities by a fraction the numerator of which is the gross income from assets and activities which are properly assigned to a regular place of business of the financial institution within this Commonwealth and the denominator of which is the gross income from all assets and activities.

b. The amount of interest from federal funds sold and purchased and from securities purchased under resale agreements and securities sold under repurchase agreements attributable to this Commonwealth and included in the numerator is determined by multiplying the amount described in subparagraph 1. of paragraph (l) of subsection (1) of this section from funds and securities by a fraction the numerator of which is the gross income from funds and securities which are properly assigned to a regular place of business of the financial institution within this Commonwealth and the denominator of which is the gross income from all funds and securities.

c. The amount of interest, dividends, gains, and other income from trading assets and activities, including but not limited to assets and activities in the matched book, in the arbitrage book and foreign currency transactions, but excluding amounts described in subdivisions a. and b. of this subparagraph, attributable to this Commonwealth and included in the numerator is determined by multiplying the amount described in subparagraph 2. of paragraph (l) of subsection (1) of this section by a fraction the numerator of which is the gross income from trading assets and activities which are properly assigned to a regular place of business of the financial institution within this Commonwealth and the denominator of which is the gross income from all assets and activities.

3. If the financial institution elects or is required by the cabinet to use the method set forth in subparagraph 2. of this paragraph, it shall use this method on all subsequent returns unless the financial institution receives prior permission from the cabinet to use, or the cabinet requires, a different method.

4. The financial institution shall have the burden of proving that an investment asset or activity or trading asset or activity was properly assigned to a regular place of business outside this Commonwealth by demonstrating that the day-to-day decisions regarding the asset or activity occurred at a regular place of business outside this Commonwealth. Where the day-to-day decisions regarding an investment asset or activity or trading asset or activity occur at more than one (1) regular place of business and one (1) regular place of business is in this Commonwealth and one (1) regular place of business is outside this Commonwealth, the asset or activity shall be considered to be located at the regular place of business of the financial institution where the investment or trading policies or guidelines with respect to the asset or activity are established. Unless the financial institution demonstrates to the contrary, the policies and guidelines shall be presumed to be established at the commercial domicile of the financial institution.

(m) The numerator of the receipts factor includes all other receipts derived from sales as determined pursuant to the provisions set forth in ***paragraph (c) of subsection (8) of Section 9 of this Act***[~~KRS 136.070(3)(d)1., 2., and 3~~].

(n) 1. All receipts that would be assigned under this section to a state in which the financial institution is not taxable shall be included in the numerator of the receipts factor, if the financial institution's commercial domicile is in this Commonwealth.

2. For purposes of subparagraph 1. of this paragraph, "taxable" means either:

a. That a financial institution is subject in another state to a net income tax, a franchise tax measured by net income, a franchise tax for the privilege of doing business, a corporate stock tax including a bank shares tax, a single business tax, an earned surplus tax, or any tax which is imposed upon or measured by net income; or

b. That another state has statutory authority to subject the financial institution to any of the taxes in subdivision a. of this subparagraph, whether in fact the state does or does not impose the tax.

Section 31. KRS 144.125 is amended to read as follows:

(1) Subject to the provisions of subsections (4) through (9) of this section and KRS 144.130, any certificated air carrier which is engaged in the air transportation of persons or property for hire shall be entitled to a general tax credit, as computed in

subsection (3) of this section, for any annual period in which the certificated air carrier meets or exceeds the investment and gross wage qualification requirements prescribed in subsection (2) of this section and has elected to begin claiming the credit.

(2) To qualify for the general tax credit provided in subsection (1) of this section, the certificated air carrier shall:

(a) Prior to or during the annual period for which the credit is claimed, have made, caused to be made, or obtained contractual obligations to make, consistent with the fundamental project scope, an investment in the aggregate of at least three hundred million dollars ($300,000,000) in new and expanded air transportation facilities and related equipment in this Commonwealth; and

(b) During the annual period for which the credit is claimed, have gross wages subject to Kentucky income tax and Kentucky income tax withholding pursuant to KRS Chapter 141 which are at least fifteen million dollars ($15,000,000) greater than its gross Kentucky real wage base. In calculating the gross wages paid for the annual period for which the credit is claimed, there shall not be included the wages of any nonqualifying employees of the certificated air carrier.

(3) The general tax credit shall be an amount equal to ten percent (10%) of the increase in gross wages subject to Kentucky income tax and Kentucky income tax withholding paid by the certificated air carrier during the annual period as compared to the carrier's gross Kentucky real wage base. In calculating the gross wages paid for the annual period for which the credit is claimed, there shall not be included the wages of any nonqualifying employees of the certificated air carrier.

(4) The general tax credit may accrue for only five (5) consecutive annual periods of the qualifying certificated air carrier. The five (5) year limitation period shall begin at the election of the qualifying certificated air carrier, but not later than the carrier's annual period beginning in 1997. The tax credit shall accrue to the carrier only for the annual periods during which the carrier meets or exceeds the requirements as provided in subsection (2) of this section.

(5) The general tax credit authorized to a qualifying certificated air carrier shall not exceed three million dollars ($3,000,000) for any annual period.

(6) The general tax credit authorized to a qualifying certificated air carrier shall not exceed a total of fifteen million dollars ($15,000,000).

(7) The general tax credit authorized shall be claimed by the qualifying certificated air carrier first against ***the tax liability imposed by Section 6 of this Act***[~~its Kentucky corporation income tax liability~~], then against its Kentucky corporation license tax liability, with any remaining balance to be claimed against its Kentucky sales and use tax liability. The credit shall not be applied to any other liability due the Commonwealth. The Revenue Cabinet may prescribe the method or manner for the qualifying certificated air carrier to claim the tax credit on applicable tax returns filed with the cabinet.

(8) If the tax liabilities against which the tax credit is to be claimed pursuant to subsection (7) of this section are not sufficient to fully absorb the allowable tax credit, or if a[~~ net operating loss carryback or other~~] subsequent adjustment reduces the carrier's liability against which a credit authorized by this section has previously been claimed, the unused or excess balance of the allowable credit may be applied against the carrier's liabilities for the specified taxes for previous or subsequent annual periods within the five (5) year limitation period. However, no refund in excess of the net tax actually paid by the carrier shall be made by the Commonwealth because of the carrier's application of the unused or excess credit. Interest shall not apply to any tax refunded for a prior period resulting from the credit carryback provisions of this subsection.

(9) Each certificated air carrier claiming the general tax credit authorized pursuant to this section shall file an annual general tax credit reconciliation report with the Revenue Cabinet on or before the fifteenth day of the fourth month following the end of each annual period for which the credit is claimed. The report shall be filed as provided in KRS 144.135 to 144.139 for each type tax against which the credit is applied.

Section 32. KRS 155.170 is amended to read as follows:

(1) An annual excise tax is hereby levied on every corporation organized under this chapter for the privilege of transacting business in this Commonwealth during the calendar year, according to or measured by its entire net income, as defined herein, received or accrued from all sources during the preceding calendar year, hereinafter referred to as taxable year, at the rate of four and one-half percent (4.5%) of such entire net income. The minimum tax assessable to any one (1) such corporation shall be ten dollars ($10). The liability for the tax imposed by this section shall arise upon the first day of each calendar year, and shall be based upon and measured by the entire net income of each such corporation for the preceding calendar year, including all income received from government securities in such year. As used in this section the words "taxable year" mean the calendar year next preceding the calendar year for which and during which the excise tax is levied.

(2) The excise tax levied under subsection (1) of this section shall be in lieu of[~~ all intangible personal property taxes,~~] the corporation license tax imposed by KRS 136.070 and the ***taxes***[~~state income tax~~] imposed by KRS 141.040. It is the purpose and intent of the General Assembly to levy taxes on corporations organized pursuant to this chapter so that all such corporations will be taxed uniformly in a just and equitable manner in accordance with the provisions of the Constitution of the Commonwealth of Kentucky. The intent of this section is for the General Assembly to exercise the powers of classification and of taxation on property, franchises, and trades conferred by Section 171 of the Constitution of the Commonwealth.

(3) On or before June 1 of each year, the executive officer or officers of each corporation shall file with the secretary of revenue a full and accurate report of all income received or accrued during the taxable year, and also an accurate record of the legal deductions in the same calendar year to the end that the correct entire net income of the corporation may be determined. This report shall be in such form and contain such information as the secretary of revenue may specify. At the time of making such report by each corporation, the taxes levied by this section with respect to an excise tax on corporations organized pursuant to this chapter shall be paid to the secretary of revenue.

(4) The securities, evidences of indebtedness and shares of the capital stock issued by the corporation established under the provisions of this chapter, their transfer, and income therefrom and deposits of financial institutions invested therein, shall at all times be free from taxation within the Commonwealth.

(5) Any stockholder, member, or other holder of any securities, evidences of indebtedness, or shares of the capital stock of the corporation who realizes a loss from the sale, redemption, or other disposition of any securities, evidences of indebtedness, or shares of the capital stock of the corporation, including any such loss realized on a partial or complete liquidation of the corporation, and who is not entitled to deduct such loss in computing any of such stockholder's, member's, or other holder's taxes to the Commonwealth shall be entitled to credit against any taxes subsequently becoming due to the Commonwealth from such stockholder, member, or other holder, a percentage of such loss equivalent to the highest rate of tax assessed for the year in which the loss occurs upon mercantile and business corporations.

SECTION 33. A NEW SECTION OF SUBCHAPTER 20 OF KRS CHAPTER 154 IS CREATED TO READ AS FOLLOWS:

As used in Sections 33 to 41 of this Act, unless the context clearly indicates otherwise:

(1) "Agreement" means any agreement made pursuant to Section 38 of this Act between the authority and an approved company with respect to an economic development project in which inducements are granted.

(2) "Approval" means action taken by the authority that authorizes the eligible company to receive inducements in connection with an economic development project under the provisions of Sections 33 to 41 of this Act and that designates the eligible company as an approved company.

(3) "Approved company" means an eligible company that initiates an economic development project in the Commonwealth whose application has been approved by the authority.

(4) "Approved expense" means:

- *(a) For an approved company that establishes a new facility or expands an existing facility:*
  - *1. The cost of building and construction materials, upon which Kentucky sales and use tax as defined in KRS Chapter 139 is paid, purchased in connection with the acquisition, construction, installation, equipping, and rehabilitation of an economic development project; and*
  - *2. The cost of equipment purchased and used in research and development, at the economic development project, upon which Kentucky sales and use tax as defined in KRS Chapter 139 is paid.*
- *(b) Approved expenses may only be incurred during the life of the project, not to exceed eighteen (18) months from the date an eligible company is designated an approved company by the authority. Provided, however, that the authority may grant a twelve (12) month extension of the project for good cause shown. Approved expenses shall not include any expenditure made before the date the company is approved by the authority.*

(5) "Authority" means the Kentucky Economic Development Finance Authority.

(6) "Economic development project" or "project" means a new or expanded service or technology, manufacturing, or tourism attraction activity, conducted by the approved company at a specific site in the Commonwealth, including the acquisition of real property by an approved company and the construction, installation, and rehabilitation of fixtures, and facilities, necessary or desirable for improvement of real estate owned, used, or occupied by the approved company, excluding the cost of labor. The minimum investment for an economic development project located in a preference zone shall be one hundred thousand dollars ($100,000) and for a project not located in a preference zone, five hundred thousand dollars ($500,000).

(7) "Eligible company" means any corporation, limited liability company, partnership, registered limited liability partnership, sole proprietorship, business trust, or other legal entity that is primarily engaged in manufacturing, service technology, or operating or developing a tourism attraction. Any company whose primary purpose is retail sales shall not be an eligible company;

(8) "Equipment used in research and development" means:

- *(a) "Equipment" means assets used in the operation of a business which are subject to depreciation under Sections 167 and 168 of the Internal Revenue Code, including assets which are expensed under Section 179 of the Internal Revenue Code. The term "equipment" shall not include any tangible personal property used to maintain, restore, mend, or repair machinery or equipment, consumable operating supplies, office supplies, or maintenance supplies; and*
- *(b) "Research and development" means experimental or laboratory activity that has as its ultimate goals the development of new products, the improvement of existing products, the development of new uses for existing*

products, or the development or improvement of methods for producing products. "Research and development" does not include testing or inspection of materials or products for quality control purposes, efficiency surveys, management studies, consumer surveys, or other market research, advertising or promotional activities, or research in connection with literary, historical or similar projects.

(9) "Inducements" means the sales and use tax refund allowed to an approved company for approved expenses under the provisions of Sections 33 to 41 of this Act.

(10) "Life of the project" or "project life" means the eighteen (18) month period beginning on the date the company is designated as an approved company by the authority and the twelve (12) month extension if the extension is granted by the authority.

(11) (a) "Manufacturing" means to make, assemble, process, produce, or perform any other activity that changes the form or conditions of raw materials and other property, and shall include any ancillary activity to the manufacturing process, such as storage, warehousing, distribution, and related office facilities;

(b) "Manufacturing" does not include any activity involving the performance of work classified by the divisions, including successor divisions, of mining in accordance with the "North American Industry Classification System," as revised by the United States Office of Management and Budget from time to time, or any successor publication.

(12) "Preference zone" or "zone" means the geographic area that was designated as an enterprise zone pursuant to KRS 154.45-050, and that was in existence as an enterprise zone on December 31, 2003. No enterprise zone may be expanded after the effective date of this Act. Enterprise zone designations that are scheduled to expire, pursuant to 154.45-050(2), shall expire as scheduled. All preference zones shall expire on December 31, 2007.

(13) "Sales and use tax" means those taxes paid to the Commonwealth for the purchase of goods pursuant to KRS Chapter 139.

(14) (a) "Service and technology" means either:

1. Any activity involving the performance of work except work classified by the divisions, including successor divisions, of agriculture, forestry and fishing, mining, utilities, construction, manufacturing, wholesale trade, retail trade, real estate rental and leasing, educational services, accommodation and food services, and public administration in accordance with the "North American Industry Classification System," as revised by the United States Office of Management and Budget from time to time, or any successor publication; or

2. Regional or headquarters operations of an entity engaged in an activity listed in subparagraph 1. of this paragraph.

(b) Notwithstanding paragraph (a) of this subsection, "service and technology" shall not include any activity involving the performance of work by an individual who is providing direct service to the public pursuant to a license issued by the state or an association that licenses in lieu of the state.

(15) "Tourism attraction" shall have the meaning assigned in Section 43 of this Act.

SECTION 34. A NEW SECTION SUBCHAPTER 20 OF KRS CHAPTER 154 IS CREATED TO READ AS FOLLOWS:

(1) The authority shall promulgate administrative regulations, pursuant to the provisions of Chapter 13A, for approving eligible companies pursuant to Sections 33 to 41 of this Act.

(2) Relevant standards for approval of eligible companies and economic development projects shall include but are not limited to creditworthiness of the eligible company, employment opportunities for Kentucky residents, including wages to be paid, whether the project is located in a preference zone, whether the eligible company is participating in other incentive programs pursuant to KRS Chapter 154 for the project, and the likelihood that the project will be an economic success. An eligible company with an economic development project located in a preference zone shall be given priority for approval.

(3) An eligible company shall certify to the authority, by written application provided by the authority, the following:

(a) That the company is making a minimum investment of one hundred thousand dollars ($100,000) in the project, if the project is located in a preference zone or five hundred thousand dollars ($500,000) in the project, if the project is not located in a preference zone;

(b) A description of the project;

(c) An estimate of the expenses for which the company shall seek approval;

(d) Supporting documentation, as requested by the authority; and

(e) Any other information requested by the authority.

SECTION 35. A NEW SECTION OF SUBCHAPTER 20 OF KRS CHAPTER 154 IS CREATED TO READ AS FOLLOWS:

(1) The total tax refund incentive available for commitment by the authority for all projects, for each fiscal year, shall not

exceed twenty million dollars ($20,000,000) for building and construction materials and five million dollars ($5,000,000) for equipment used in research and development.

(2) If an eligible company proposes to locate or expand its business in the state, the eligible company may submit an application to the authority to become an approved company pursuant to Sections 33 to 41 of this Act.

(3) When the application of an eligible company is complete, it shall be brought before the authority for approval.

(4) The eligible company shall only be designated an approved company for the specific, discrete project contained in its application.

(5) A company may transfer its designation as an approved company for the project to another company upon prior notification to the authority in a manner prescribed by the authority. The company to which approval is transferred shall be eligible for the incentives to which the transferring company was entitled on the entire project.

SECTION 36. A NEW SECTION OF SUBCHAPTER 20 OF KRS 154 IS CREATED TO READ AS FOLLOWS:

(1) Notwithstanding any provision of KRS 139.770 to the contrary, an approved company under the terms of Sections 33 to 41 of this Act may receive a tax refund of sales and use tax paid on approved expenses for the cost of building and construction materials that are permanently incorporated as an improvement to real property to an economic development project and equipment used in research and development at an economic development project. The approved company shall have no obligation to refund or otherwise return any amount of the sales and use tax refund to the person who originally collected the tax and remitted it to the state.

(2) An approved company shall only apply for a refund:

(a) Of sales and use tax paid for construction materials and building fixtures and for equipment used in research and development purchased during the life of the economic development project not to exceed the amount specified in the approved company's agreement, as defined in Section 33 of this Act; and

(b) Within sixty (60) days after the completion of the economic development project or the expiration of the life of the project, whichever occurs first.

(3) An approved company shall execute information-sharing agreements prescribed by the Revenue Cabinet with contractors, vendors, and other related parties to verify construction material and building fixture costs and equipment used in research and development, including applicable taxes, for the economic development project.

(4) Interest shall not be allowed or paid on any refund made under the provisions of this section. The Revenue Cabinet may examine any refund within four (4) years from the date the refund application is received. An overpayment resulting from the examination shall be repaid to the State Treasury. Any amount required to be repaid is subject to the interest provisions of KRS 131.183 and to the penalty provisions of KRS 131.180.

(5) The Revenue Cabinet may promulgate administrative regulations, pursuant to the provisions of KRS Chapter 13A, and shall require the filing of forms designed by the Revenue Cabinet to reflect the intent of Sections 33 to 41 of this Act.

SECTION 37. A NEW SECTION OF SUBCHAPTER 20 OF KRS CHAPTER 154 IS CREATED TO READ AS FOLLOWS:

(1) An eligible company may apply to be designated an approved company under the provisions of Sections 33 to 41 of this Act by the authority on and after October 1, 2004.

(2) No approvals under Sections 33 to 41 of this Act shall be effective before January 1, 2005.

SECTION 38. A NEW SECTION OF SUBCHAPTER 20 OF KRS CHAPTER 154 IS CREATED TO READ AS FOLLOWS:

Before any approved company is granted inducements as provided in Sections 33 to 41 of this Act, an agreement with respect to the company's economic development project shall be entered into between the authority and the approved company. The terms and provision of the agreement, including the amount of approved expenses and the maximum inducement, shall be determined by negotiations between the authority and the approved company, except that each agreement shall include the following provisions:

(1) The term of an agreement shall not be longer than eighteen (18) months from the date of approval of the company. The agreement may be extended by the authority an additional twelve (12) months for good cause shown by approval of the authority and notation upon the face of the agreement. The authority shall notify the Revenue Cabinet of any such extension.

(2) The agreement shall include:

(a) A description of the project for which the inducements have been authorized;

(b) A description of the authorized expenses;

(c) The total inducements allowed for the project, not to exceed the amount negotiated by the authority and the company; and

(d) A provision that the inducements are not assignable without written notice to the authority before any assignment is made.

SECTION 39. A NEW SECTION OF SUBCHAPTER 20 OF KRS CHAPTER 154 IS CREATED TO READ AS

FOLLOWS:

The contents of a company's filings under Sections 33 to 41 of this Act shall be subject to the Kentucky Open Records Act, KRS 61.870 to 61.884.

SECTION 40. A NEW SECTION OF SUBCHAPTER 20 OF KRS CHAPTER 154 IS CREATED TO READ AS FOLLOWS:

The authority shall annually submit a complete and detailed report of the use of the incentives and participation of approved companies under Sections 33 to 41 of this Act within one hundred twenty (120) days after the end of each fiscal year to the Legislative Research Commission and to the Governor.

SECTION 41. A NEW SECTION OF SUBCHAPTER 20 OF KRS CHAPTER 154 IS CREATED TO READ AS FOLLOWS:

Sections 33 to 41 of this Act shall be known as the Kentucky Enterprise Initiative Act.

Section 42. KRS 65.680 is amended to read as follows:

As used in KRS 65.680 to 65.699:

(1) "Activation date" means the date established in the grant contract at any time in a two (2) year period after the date of approval of the grant contract by the economic development authority or the tourism development authority, as appropriate. The economic development authority or tourism development authority, as appropriate, may extend this two (2) year period to no more than four (4) years upon written application of the agency requesting the extension. To implement the activation date, the agency who is a party to the grant contract shall notify the economic development authority or the tourism development authority, as appropriate, the Revenue Cabinet, and other taxing districts that are parties to the grant contract when the implementation of the increment authorized in the grant contract shall occur;

(2) "Agency" means an urban renewal and community development agency established under KRS Chapter 99; a development authority established under KRS Chapter 99; a nonprofit corporation established under KRS Chapter 58; an air board established under KRS 183.132 to 183.160; a local industrial development authority established under KRS 154.50-301 to 154.50-346; a riverport authority established under KRS 65.510 to 65.650; or a designated department, division, or office of a city or county;

(3) "Assessment" means the job development assessment fee authorized by KRS 65.6851, which the governing body may elect to impose throughout the development area;

(4) "Brownfield site" means real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant;

(5) “City” means any city, consolidated local government, or urban-county;

(6) "Commencement date" means the date a development area is established, as provided in the ordinance creating the development area;

(7) "Commonwealth" means the Commonwealth of Kentucky;

(8) “County” means any county, consolidated local government, or charter county;

(9) "CPI" means the nonseasonally adjusted Consumer Price Index for all urban consumers, all items (base year computed for 1982 to 1984 equals one hundred (100)), published by the United States Department of Labor, Bureau of Labor Statistics;

(10) "Debt charges" means the principal, including any mandatory sinking fund deposits, interest, and any redemption premium, payable on increment bonds as the payments come due and are payable and any charges related to the payment of the foregoing;

(11) “Development area” means a contiguous geographic area, which may be within one (1) or more cities or counties, defined and created for economic development purposes by an ordinance of a city or county in which one (1) or more projects are proposed to be located, except that for any development area for which increments are to include revenues from the Commonwealth, the contiguous geographic area shall satisfy the requirements of KRS 65.6971 or 65.6972;

(12) "Economic development authority" means the Kentucky Economic Development Finance Authority as created in KRS 154.20-010;

(13) "Enterprise Zone" means an area ***that had been*** designated by the Enterprise Zone Authority of Kentucky to be eligible for the benefits of ***subchapter 45 of KRS Chapter 154 before January 1, 2004***~~[KRS 154.45-010 to 154.45-110]~~;

(14) “Governing body” means the body possessing legislative authority in a city or county;

(15) "Grant contract" means:

   (a) That agreement with respect to a development area established under KRS 65.686, by and among an agency and one (1) or more taxing districts other than the Commonwealth, by which a taxing district permits the payment to an agency of an amount equal to a portion of increments other than revenues from the Commonwealth received by it in return for the benefits accruing to the taxing district by reason of one (1) or more projects in a development area; or

   (b) That agreement, including with respect to a development area satisfying the requirements of KRS 65.6971 or

65.6972, a master agreement and addenda to the master agreement, by and among an agency, one (1) or more taxing districts, and the economic development authority or the tourism development authority, as appropriate, by which a taxing district permits the payment to an agency of an amount equal to a portion of increments received by it in return for the benefits accruing to the taxing district by reason of one (1) or more projects in a development area;

(16) "Increment bonds" means bonds and notes issued for the purpose of paying the costs of one (1) or more projects in a development area, the payment of which is secured solely by a pledge of increments or by a pledge of increments and other sources of payment that are otherwise permitted by law to be pledged or used as a source of payment of the bonds or notes;

(17) "Increments" means the amount of revenues received by any taxing district, determined by subtracting the amount of old revenues from the amount of new revenues in the calendar year with respect to a development area and for which the taxing district or districts and the agency have agreed upon under the terms of a grant contract;

(18) "Infrastructure development" means the acquisition of real estate within a development area meeting the requirements of KRS 65.6971 and the construction or improvement, within a development area meeting the requirements of KRS 65.6971, of roads and facilities necessary or desirable for improvements of the real estate, including surveys; site tests and inspections; environmental remediation; subsurface site work; excavation; removal of structures, roadways, cemeteries, and other underground and surface obstructions; filling, grading, and provision of drainage, storm water retention, installation of utilities such as water, sewer, sewage treatment, gas, and electricity, communications, and similar facilities; and utility extensions to the boundaries of the development area meeting the requirements of KRS 65.6971;

(19) "Issuer" means a city, county, or an agency issuing increment bonds;

(20) "New revenues" means the amount of revenues received with respect to a development area in any calendar year after the activation date for a development area:

(a) Established under KRS 65.686, the ad valorem taxes other than the school and fire district portions of the ad valorem taxes received from real property generated from the development area and properties sold within the development area, and occupational license fees not otherwise used as a credit against an assessment, and all or a portion of assessments as determined by the governing body; or

(b) Satisfying the requirements of KRS 65.6971, the ad valorem taxes other than the school and fire district portions of the ad valorem taxes received from real property generated from the development area and properties sold within the development area; or

(c) Satisfying the requirements of KRS 65.6972, the ad valorem taxes, other than the school and fire district portions of the ad valorem taxes, received from real property, Kentucky individual income tax, Kentucky sales and use taxes, local insurance premium taxes, occupational license fees, or other such state taxes as may be determined by the Revenue Cabinet to be applicable to the project and specified in the grant contract, generated from the primary project entity within the development area minus relocation revenue;

(21) "Old revenues" means the amount of revenues received with respect to a development area:

(a) Established under KRS 65.686, in the last calendar year prior to the commencement date for the development area, revenues which constitute ad valorem taxes other than the school and fire district portions of ad valorem taxes received from real property in the development area and occupational license fees generated from the development area; or

(b) Satisfying the requirements of KRS 65.6971, in the last calendar year prior to the commencement date for the development area, revenues which constitute ad valorem taxes other than the school and fire district portions of ad valorem taxes received from real property in the development area; or

(c) Satisfying the requirements of KRS 65.6972, in the period of no longer than three (3) calendar years prior to the commencement date, the average as determined by the Revenue Cabinet to be a fair representation of revenues derived from ad valorem taxes, other than the school and fire district portions of ad valorem taxes, from real property in the development area, and Kentucky individual income tax, Kentucky sales and use taxes, local insurance premium taxes, occupational license fees, and other such state taxes as may be determined by the Revenue Cabinet as specified in the grant contract generated from the development area. With respect to this paragraph, if the development area was within an active enterprise zone for the period used by the Revenue Cabinet for measuring old revenues, then the calculation of old revenues shall include the amounts of ad valorem taxes, other than the school and fire district portions of ad valorem taxes, that would have been generated from real property, Kentucky individual income tax, Kentucky sales and use taxes, local insurance premium taxes, occupational license fees, and other such state taxes as may be determined by the Revenue Cabinet as specified in the grant contract, were the development area not within an active enterprise zone. With respect to this paragraph, if the primary project entity generated old revenue prior to the commencement date in the development area or revenues were derived from the development area prior to the commencement date of the development area, then revenues shall increase each calendar year by the percentage increase of the consumer price index, if any;

(22) "Outstanding" means increment bonds that have been issued, delivered, and paid for, except any of the following:

(a) Increment bonds canceled upon surrender, exchange, or transfer, or upon payment or redemption;

(b) Increment bonds in replacement of which or in exchange for which other bonds have been issued; or

(c) Increment bonds for the payment, or redemption or purchase for cancellation prior to maturity, of which sufficient moneys or investments, in accordance with the ordinance or other proceedings or any applicable law, by mandatory sinking fund redemption requirements, or otherwise, have been deposited, and credited in a sinking fund or with a trustee or paying or escrow agent, whether at or prior to their maturity or redemption, and, in the case of increment bonds to be redeemed prior to their stated maturity, notice of redemption has been given or satisfactory arrangements have been made for giving notice of that redemption, or waiver of that notice by or on behalf of the affected bond holders has been filed with the issuer or its agent;

(23) "Primary project entity" means the entity responsible for control, ownership, and operation of the project within a development area satisfying the requirements of KRS 65.6972 which generates the greatest amount of new revenues or, in the case of a proposed development area satisfying the requirements of KRS 65.6972, is expected to generate the greatest amount of new revenues;

(24) "Project" means, for purposes of a development area:

(a) Established under KRS 65.686, any property, asset, or improvement certified by the governing body, which certification is conclusive as:

1. Being for a public purpose;

2. Being for the development of facilities for residential, commercial, industrial, public, recreational, or other uses, or for open space, or any combination thereof, which is determined by the governing body establishing the development areas as contributing to economic development;

3. Being in or related to a development area; and

4. Having an estimated life or period of usefulness of one (1) year or more, including but not limited to real estate, buildings, personal property, equipment, furnishings, and site improvements and reconstruction, rehabilitation, renovation, installation, improvement, enlargement, and extension of property, assets, or improvements so certified as having an estimated life or period of usefulness of one (1) year or more;

(b) Satisfying the requirements of KRS 65.6971; an economic development project defined under KRS 154.22-010, 154.24-010, or 154.28-010; or a tourism attraction project defined under KRS 148.851; or

(c) Satisfying the requirements of KRS 65.6972, the development of facilities for:

1. The transportation of goods or persons by air, ground, water, or rail;

2. The transmission or utilization of information through fiber-optic cable or other advanced means;

3. Commercial, industrial, recreational, tourism attraction, or educational uses; or

4. Any combination thereof;

(25) "Relocation revenue" means the ad valorem taxes, other than the school and fire district portions of ad valorem taxes, from real property, Kentucky individual income tax, Kentucky sales and use taxes, local insurance premium taxes, occupational license fees, and other such state taxes as specified in the grant contract, received by a taxing district attributable to that portion of the existing operations of the primary project entity located in the Commonwealth and relocating to the development area satisfying the requirements of KRS 65.6972;

(26) "Special fund" means a special fund created in accordance with KRS 65.688 into which increments are to be deposited;

(27) "Taxing district" means a city, county, or other taxing district that encompasses all or part of a development area, or the Commonwealth, but does not mean a school district or fire district;

(28) "Termination date" means the date on which a development area shall cease to exist, which for purposes of a development area:

(a) Established under KRS 65.686, shall be for a period of no longer than twenty (20) years from the commencement date and set forth in the grant contract. Increment bonds shall not mature on a date beyond the termination date established by this paragraph; or

(b) Satisfying the requirements of KRS 65.6971, shall be for a period of no longer than twenty (20) years from the commencement date and set forth in the grant contract constituting a master agreement, except that for an addendum added to the master agreement for each project in the development area, the termination date may be extended to no longer than twenty (20) years from the date of each addendum; or

(c) Satisfying the requirements of KRS 65.6972, shall be for a period of no longer than twenty (20) years from the activation date of the grant contract. Increment bonds shall not mature on a date beyond the termination date established by this subsection;

(29) "Tourism development authority" means the Tourism Development Finance Authority as created in KRS 148.850; and

(30) "Project costs" mean the total private and public capital costs of a project.

Section 43. KRS 148.851 is amended to read as follows:

As used in KRS 139.536 and KRS 148.851 to 148.860, unless the context clearly indicates otherwise:

(1) "Agreement" means a tourism attraction agreement entered into, pursuant to KRS 148.859, on behalf of the authority and an approved company, with respect to a tourism attraction project;

(2) "Approved company" means any eligible company approved by the secretary of the Tourism Development Cabinet and the authority pursuant to KRS 148.859 that is seeking to undertake a tourism attraction project;

(3) "Approved costs" means:

(a) Obligations incurred for labor and to vendors, contractors, subcontractors, builders, suppliers, deliverymen, and materialmen in connection with the acquisition, construction, equipping, and installation of a tourism attraction project;

(b) The costs of acquiring real property or rights in real property and any costs incidental thereto;

(c) The cost of contract bonds and of insurance of all kinds that may be required or necessary during the course of the acquisition, construction, equipping, and installation of a tourism attraction project which is not paid by the vendor, supplier, deliveryman, contractor, or otherwise provided;

(d) All costs of architectural and engineering services, including but not limited to: estimates, plans and specifications, preliminary investigations, and supervision of construction and installation, as well as for the performance of all the duties required by or consequent to the acquisition, construction, equipping, and installation of a tourism attraction project;

(e) All costs required to be paid under the terms of any contract for the acquisition, construction, equipping, and installation of a tourism attraction project;

(f) All costs required for the installation of utilities, including but not limited to: water, sewer, sewer treatment, gas, electricity and communications, and including off-site construction of the facilities paid for by the approved company; and

(g) All other costs comparable with those described in this subsection***, excluding costs subject to refund under Sections 34, 35, 36, 37, and 38 of this Act***;

(4) "Authority" means the Kentucky Tourism Development Finance Authority as set forth in KRS 148.850;

(5) "Crafts and products center" means a facility primarily devoted to the display, promotion, and sale of Kentucky products, and at which a minimum of eighty percent (80%) of the sales occurring at the facility are of Kentucky arts, crafts, or agricultural products;

(6) "Eligible company" means any corporation, limited liability company, partnership, registered limited liability partnership, sole proprietorship, business trust, or any other entity operating or intending to operate a tourism attraction project, whether owned or leased, within the Commonwealth that meets the standards promulgated by the secretary of the Tourism Development Cabinet pursuant to KRS 148.855. An eligible company may operate or intend to operate directly or indirectly through a lessee;

(7) "Entertainment destination center" means a facility containing a minimum of two hundred thousand (200,000) square feet of building space adjacent or complementary to an existing tourism attraction, an approved tourism attraction project, or a major convention facility, and which provides a variety of entertainment and leisure options that contain at least one (1) major themed restaurant and at least three (3) additional entertainment venues, including but not limited to live entertainment, multiplex theaters, large format theaters, motion simulators, family entertainment centers, concert halls, virtual reality or other interactive games, museums, exhibitions, or other cultural and leisure time activities. Entertainment and food and drink options shall occupy a minimum of sixty percent (60%) of total gross area available for lease, and other retail stores shall occupy no more than forty percent (40%) of the total gross area available for lease;

(8) "Final approval" means the action taken by the authority authorizing the eligible company to receive inducements under KRS 139.536 and KRS 148.851 to 148.860;

(9) "Inducements" means the Kentucky sales tax refund as prescribed in KRS 139.536;

(10) "Preliminary approval" means the action taken by the authority conditioning final approval by the authority upon satisfaction by the eligible company of the requirements of KRS 139.536 and KRS 148.851 to 148.860;

(11) "State agency" means any state administrative body, agency, department, or division as defined in KRS 42.005, or any board, commission, institution, or division exercising any function of the state that is not an independent municipal corporation or political subdivision;

(12) "Theme restaurant destination attraction" means a restaurant facility that has:

(a) Construction, equipment, and furnishing costs in excess of five million dollars ($5,000,000);

(b) Seating capacity of four hundred fifty (450) guests, of which an annual average of not less than fifty percent (50%) shall be guests who are not residents of the Commonwealth;

(c) Business plans that indicate that the attraction shall be in operation and open to the public no less than three hundred (300) days per year and for no less than eight (8) hours per day;

(d) Business plans that indicate that the attraction shall offer live music or live musical and theatrical entertainment during the peak business hours that the facility is in operation and open to the public, and shall offer a unique dining and cultural experience that is not available elsewhere in the Commonwealth; and

(e) Food and nonalcoholic drink options that constitute a minimum of fifty percent (50%) of total gross sales receipts;

(13) "Tourism attraction" means a cultural or historical site, a recreation or entertainment facility, an area of natural phenomenon or scenic beauty, a Kentucky crafts and products center, a theme restaurant destination attraction, or an entertainment destination center. A tourism attraction shall not include any of the following:

(a) Lodging facilities, unless:

1. The facilities constitute a portion of a tourism attraction project and represent less than fifty percent (50%) of the total approved cost of the tourism attraction project, or the facilities are to be located on recreational property owned or leased by the Commonwealth or federal government and the facilities have received prior approval from the appropriate state or federal agency;

2. The facilities involve the restoration or rehabilitation of a structure that is listed individually in the National Register of Historic Places or are located in a National Register Historic District and certified by the Kentucky Heritage Council as contributing to the historic significance of the district, and the rehabilitation or restoration project has been approved in advance by the Kentucky Heritage Council; or

3. The facilities involve the reconstruction, restoration, rehabilitation, or upgrade of a full-service lodging facility having not less than five hundred (500) guest rooms, with reconstruction, restoration, rehabilitation, or upgrade costs exceeding ten million dollars ($10,000,000).

(b) Facilities that are primarily devoted to the retail sale of goods, other than an entertainment destination center, a theme restaurant destination attraction, a Kentucky crafts and products center, or a tourism attraction where the sale of goods is a secondary and subordinate component of the attraction; and

(c) Recreational facilities that do not serve as a likely destination where individuals who are not residents of the Commonwealth would remain overnight in commercial lodging at or near the tourism attraction project; and

(14) "Tourism attraction project" or "project" means the acquisition, including the acquisition of real estate by a leasehold interest with a minimum term of ten (10) years, construction, and equipping of a tourism attraction; the construction, and installation of improvements to facilities necessary or desirable for the acquisition, construction, and installation of a tourism attraction, including but not limited to surveys; installation of utilities, which may include water, sewer, sewage treatment, gas, electricity, communications, and similar facilities; and off-site construction of utility extensions to the boundaries of the real estate on which the facilities are located, all of which are to be used to improve the economic situation of the approved company in a manner that shall allow the approved company to attract persons.

Section 44. KRS 154.12-224 is amended to read as follows:

(1) There is created in the Cabinet for Economic Development the Department of Financial Incentives. The department shall be headed by a commissioner appointed by the Governor pursuant to KRS 12.040. The department shall coordinate all financial assistance, tax credit, and related programs available for business and industry.

(2) The department shall include the following divisions, each of which shall be headed by a director appointed by the secretary pursuant to KRS 12.050:

(a) The Grant Programs Division, which shall supervise and manage the Economic Development Bond Program, as set forth in KRS 154.12-100, and the Local Government Economic Development Program, as set forth in KRS 42.4588;

(b) The Direct Loan Programs Division, which shall supervise and manage the Direct Loan Program of the Kentucky Economic Development Finance Authority, as set forth in 307 KAR 1:020, and the Small Business Loans Branch;

(c) The Tax Incentive Programs Division, which shall supervise and manage the Kentucky Industrial Development Act Program, as set forth in KRS 154.28-010 et seq., the Kentucky Jobs Development Act Program, as set forth in KRS 154.24-010 et seq., the Kentucky Industrial Revitalization Act Program, as set forth in KRS 154.26-010 et seq., the Kentucky Rural Economic Development Act Program, as set forth in KRS 154.22-010 et seq., and the Kentucky Enterprise ***Initiative***[~~Zone~~] Program, as set forth in ***Sections 33 to 41 of this Act***[~~KRS 154.45-001 et seq., which shall be attached to the division for administrative purposes~~]; and

(d) The Program Servicing Division, which shall perform auditing, monitoring, and compliance functions for the Grant Programs Division, the Direct Loan Programs Division, and the Tax Incentive Programs Division within the Department of Financial Incentives.

(3) The department shall also include the following entities:

(a) The Kentucky investment fund, established by KRS 154.20-250 to 154.20-284, which shall be attached to the department for administrative purposes and staff support; and

(b) The Bluegrass State Skills Corporation, established by KRS 154.12-204 to 154.12-208, which shall be attached to the department.

Section 45. KRS 154.45-010 is amended to read as follows:

As used in ***subchapter 45 of KRS Chapter 154***[~~KRS 154.45-020 to 154.45-110~~], unless the context otherwise requires:

(1) "Authority" means the Enterprise Zone Authority of Kentucky;

(2) "Employee" means a person who works twenty (20) hours or more per week and is employed by a business located in an enterprise zone and includes a qualified seasonal employee. For purposes of determining whether a qualified business maintains the percentage of targeted workforce employees required by subsection (8) of this section for the entire time it is certified as a qualified business, a qualified seasonal employee shall be deemed to be employed for the entire calendar year;

(3) "Enterprise zone" means an area designated by the authority to be eligible for the benefits of ***the Enterprise Zone Program***[~~KRS 154.45-020 to 154.45-110~~];

(4) "Establishment" means a single physical location where business is conducted or where services or industrial operations are performed;

(5) "Existing business" means a person, corporation, or other entity engaged in the active conduct of a trade or business at a location within the enterprise zone prior to the date the authority designated the area as an enterprise zone;

(6) "Local government" means a city, county, urban-county government, or charter county government;

(7) "New business" means a person, corporation, or other entity who was not engaged in the active conduct of a trade or business in the enterprise zone prior to the date the authority designated the area as an enterprise zone, and who becomes engaged in the active conduct of a trade or business within the enterprise zone after the date the authority designated the area as an enterprise zone;

(8) "Qualified business" means an existing business or new business that has been certified by the authority to have at least fifty percent (50%) of its employees performing substantially all of their services within an enterprise zone and meeting one (1) of the following criteria:

 (a) With a new business employing at least twenty-five percent (25%) of the business's employees from the targeted workforce; or

 (b) With an existing business creating new activity within the enterprise zone of not less than a twenty percent (20%) increase in the number of employees or by a twenty percent (20%) increase in capital investment within eighteen (18) months from the date of application for certification as a qualified business. Businesses that are certified based upon an increase in employees shall employ at least twenty-five percent (25%) of the new employees from the targeted workforce;

(9) "Qualified employee" means an employee of a qualified business;

(10) "Qualified seasonal employee" means a seasonal employee employed by a seasonal business for at least sixty (60) days during the calendar year;

(11) "Seasonal business" means a business with respect to which seasonal employees constitute at least eighty percent (80%) of the total number of employees of the business during the calendar year. For purposes of this definition, a person shall be treated as an employee only if the person is employed by the business for at least sixty (60) days during the calendar year;

(12) "Seasonal employee" means a person who is employed by a qualified business during certain seasons or during part of the calendar year; and

(13) "Targeted workforce" means Kentucky residents:

 (a) Who reside within an enterprise zone; or

 (b) Who have been unemployed for at least ninety (90) days or who have received public assistance benefits, based on need and intended to alleviate poverty, for at least ninety (90) days prior to employment with a qualified business.

 (c) For the purpose of this subsection, "Kentucky resident" means a person who has resided in the Commonwealth for at least ninety (90) days.

Section 46. KRS 154.45-050 is amended to read as follows:

(1) In addition to the seven (7) existing state enterprise zones, the authority may designate three (3) additional state enterprise zones by December 31, 1988. In deciding which areas should be designated as enterprise zones the authority shall give preference to:

 (a) Local governments that have documented the greatest commitment to the goals ***of the Enterprise Zone Program***[~~established pursuant to KRS 154.45-001~~];

 (b) Areas with the highest levels of poverty, unemployment, and general distress; and

 (c) Areas that have the greatest support from the local government seeking designation, the community, residents, local business, and private organizations, taking into account the resources available to the local government.

(2) Designation of an area as an enterprise zone shall remain in effect during the period beginning on the date of designation and ending on December 31 of the twentieth year following designation.

(3) The authority shall remove the designation of an area as an enterprise zone if the area no longer meets the criteria for ***average rate of unemployment, population density, chronic abandonment or demolition of commercial or residential structures, and pervasive poverty or no longer meets criteria set forth in***[~~designation as set out in KRS 154.45-020 to~~

~~154.45-110 or by~~] administrative ***regulations***[~~regulation~~] adopted by the authority[~~ pursuant to KRS 154.45-020 to 154.45-110~~]. The authority shall establish by administrative regulation a procedure for revocation of the designation of an enterprise zone. The authority shall ensure that local governments shall be notified in writing of the authority's intent and reasons for considering revocation of the designation. The authority shall establish a reasonable time frame within which the local government may correct the problems cited by the authority to avoid revocation of the enterprise zone designation.

(4) A local government that has had an enterprise zone designation revoked shall be prohibited from applying for future enterprise zone designations for at least five (5) years. The authority may, by administrative regulation, extend the time frame that a local government is prohibited from participating in the enterprise zone program.

(5) If the authority revokes the designation of an enterprise zone, it shall immediately begin reviewing the applications of local governments seeking an enterprise zone and designate a new area as an enterprise zone as soon as possible.

(6) If the authority removes the designation of an area as an enterprise zone pursuant to this section, the qualified businesses within the area shall retain certification and shall remain eligible to receive tax exemptions pursuant to KRS 154.45-090 until December 31 of the twentieth year from the date of the original designation of the area as an enterprise zone.

Section 47. KRS 154.45-060 is amended to read as follows:

(1) For the purposes of carrying out the provisions of ***the Enterprise Zone Program***[~~KRS 154.45-020 to 154.45-110~~], there is created the Enterprise Zone Authority of Kentucky consisting of eleven (11) members. The authority shall be appointed as follows: one (1) member appointed by the Governor from a list of three (3) persons nominated by the Labor Management Advisory Council; one (1) member appointed by the Governor from a list of three (3) persons nominated by the Kentucky League of Cities; one (1) member appointed by the Governor from a list of three (3) persons nominated by the Kentucky Association of Counties; one (1) member appointed by the Governor who is qualified to represent the interests of Kentucky's small business community; one (1) member appointed by the Governor from a list of three (3) persons nominated by the AFL-CIO of Kentucky; two (2) members appointed by the Governor to serve at large; one (1) member appointed by the Governor from a list of five (5) persons nominated by the secretary of the Cabinet for Economic Development; the secretary of the Cabinet for Economic Development or his designee; the secretary of the Revenue Cabinet or his designee; and the secretary of the Cabinet for Families and Children or his designee.

(2) Authority members shall serve a term of four (4) years and, except for the secretary of the Cabinet for Economic Development, the secretary of the Revenue Cabinet, and the secretary of the Cabinet for Families and Children, shall not be eligible to succeed themselves.

(3) The authority shall meet at least four (4) times per year. A majority of the total authority membership shall be required to designate an area as an enterprise zone and to certify businesses as qualified businesses. The authority shall keep official minutes of all meetings. All members shall serve until such time as their successors are qualified and appointed. Each member of the authority shall receive one hundred dollars ($100), not to exceed twelve hundred dollars ($1,200) per calendar year, as compensation for attending official meetings of the authority. Each member of the authority shall be reimbursed for travel expenses actually incurred in the discharge of his duties on the authority.

(4) The Cabinet for Economic Development shall serve as staff for the authority and carry out the administrative duties and functions as directed by the authority.

Section 48. KRS 154.45-070 is amended to read as follows:

The authority shall administer the provisions of ***the Enterprise Zone Program***[~~KRS 154.45-020 to 154.45-110~~], and shall:

(1) Establish by administrative regulation a process to monitor compliance by local governments and qualified businesses with the provisions of the Enterprise Zone Program;

(2) Initiate contact and fully cooperate with the Revenue Cabinet in the collection of information to determine the fiscal impact of enterprise zone tax exemptions on state revenues;

(3) Report to the General Assembly no later than October 1 annually regarding:

  (a) The authority's method of monitoring the Enterprise Zone Program;

  (b) Information on the fiscal impact of enterprise zone tax exemptions on state revenues;

  (c) The authority's method of reviewing local incentives;

  (d) Information on the number of qualified businesses per zone;

  (e) Information on the number of requests for amendments to zone boundaries and the number of amendments granted and denied; and

  (f) Recommendations requiring state legislative action;

(4) Revoke designation of an area as an enterprise zone pursuant to the provisions of KRS 154.45-050.

(5) Prohibit the certification of businesses in an enterprise zone if the local government has been notified in writing by the authority of the authority's intent to revoke the local government's designation as an enterprise zone. The prohibition of certification of businesses shall continue until the authority officially revokes the local government's enterprise zone designation, or notifies the local government in writing that the problems cited by the authority have been corrected and

the enterprise zone designation shall not be revoked;

(6) Offer technical assistance and job training assistance to local governments, qualified businesses, and neighborhood enterprise association corporations; and

(7) Aggressively review local incentives and commitments on an annual basis.

Section 49. KRS 131.020 is amended to read as follows:

(1) The Revenue Cabinet shall be organized into the following functional units:

(a) Office of the Secretary. The Office of the Secretary shall include the Office of the Taxpayer Ombudsman, the Office of Financial and Administrative Services, principal assistants and other personnel appointed by the secretary pursuant to KRS Chapter 12 as are necessary to enable the secretary to perform functions of the office;

(b) Office of Financial and Administrative Services. The Office of Financial and Administrative Services shall be headed by an executive director. The functions and duties of the office shall include personnel services, administrative support, preparation and administration of the budget, training, and asset management;

(c) Office of Taxpayer Ombudsman. The Office of Taxpayer Ombudsman shall be headed by a taxpayer ombudsman as established by KRS 131.051(1). The functions and duties of the office shall consist of those established by KRS 131.071;

(d) Department of Law. The Department of Law shall be headed by a commissioner. The functions and duties of the department shall include establishing Revenue Cabinet tax policies, providing information to the public, conducting tax research, collecting delinquent taxes, conducting conferences, administering taxpayer protests, issuing final rulings, administering all activities relating to assessments issued pursuant to KRS 138.885, 139.185, 139.680, 141.340, 142.357, and 143.085, enforcing the criminal laws of the Commonwealth involving revenue and taxation, and representing the cabinet in legal and administrative actions. The Department of Law shall consist of the divisions of legal services, protest resolution, tax policy, collections, and research;

(e) Department of Property Valuation. The Department of Property Valuation shall be headed by a commissioner. The functions and duties of the department shall include mapping, providing assistance to property valuation administrators, supervising the property valuation process throughout the Commonwealth, valuing the property of public service companies, valuing unmined coal and other mineral resources, administering~~[tangible and intangible]~~ personal property taxes, and collecting delinquent taxes. The Department of Property Valuation shall consist of the Divisions of Local Valuation, State Valuation, and Technical Support;

(f) Department of Tax Administration. The Department of Tax Administration shall be headed by a commissioner. The functions and duties of the department shall include recordkeeping, conducting audits, reviewing audits, rendering taxpayer assistance, and collecting delinquent taxes. The Department of Tax Administration shall consist of the Divisions of Field Operations, Revenue Operations, and Compliance and Taxpayer Assistance; and

(g) Department of Information Technology. The Department of Information Technology shall be headed by a commissioner. The functions and duties of the department shall include the development and maintenance of technology and information management systems in support of all units of the cabinet. The Department of Information Technology shall consist of the Division of Systems Planning and Development and the Division of Technology Infrastructure Support.

(2) The functions and duties of the cabinet shall include conducting conferences, administering taxpayer protests, and settling tax controversies on a fair and equitable basis, taking into consideration the hazards of litigation to the Commonwealth of Kentucky and the taxpayer. The mission of the cabinet shall be to afford an opportunity for taxpayers to have an independent informal review of the determinations of the audit functions of the cabinet, and to attempt to fairly and equitably resolve tax controversies at the administrative level.

(3) Except as provided in KRS 131.190(4), the cabinet shall fully cooperate with and make tax information available as prescribed under KRS 131.190(2) to the Governor's Office for Economic Analysis as necessary for the office to perform the tax administration function established in KRS 42.410.

Section 50. KRS 131.140 is amended to read as follows:

(1) The cabinet shall requisition the Finance and Administration Cabinet to furnish to local officials an adequate supply of forms for listing property for taxation and other forms and blanks the state is required by law to provide. The books and records prescribed for use by property valuation administrators, county clerks, sheriffs and other county tax collectors shall be designed to promote economical operation, adequate control, availability of useful information, and safekeeping.~~[The forms prescribed for listing intangible property shall be designed to secure a detailed list to provide convenient checking of valuations with available sources of information, and to safeguard the confidential character of the intangible property assessment.]~~

(2) The cabinet may confer with, advise and direct local officials respecting their duties relating to taxation, and shall supervise the officials in the performance of those duties. The cabinet shall provide to the property valuation administrators up-to-date appraisal manuals outlining uniform procedures for appraising all types of real and personal property assessed by them. The property valuation administrators shall follow the uniform procedures for appraising property outlined in these manuals. The cabinet shall maintain and make accessible to all property valuation administrators

a statewide commercial real property comparative sales file. The cabinet, by authorized agents, may visit local governmental units and officers for investigational purposes, when necessary.

(3) The Revenue Cabinet shall conduct a biennial performance audit of each property valuation administrator's office. This audit shall include, but shall not be limited to, an inspection of maps and records, an appraisal study of real property, and an evaluation of the overall effectiveness of the office. Each property valuation administrator's office shall provide the cabinet with access to its files, maps and records during the audit. The cabinet shall prepare a report on assessment equity and quality for each county based on the performance audit, and shall provide a copy to the Legislative Research Commission.

(4) The cabinet shall arrange for an annual conference of the property valuation administrators, or the county officers whose duty it is to assess property for taxation, to give them systematic instruction in the fair and just valuation and assessment of property, and their duty in connection therewith. The conference shall continue not more than five (5) days. The officers shall attend and take part in the conference, unless prevented by illness or other reason satisfactory to the secretary. Any officer willfully failing to attend the conference may be removed from office by the Circuit Court of the county where he was elected. If the officer participates in all sessions of the conference, one-half (1/2) of his actual and necessary expenses in attending the conference shall be paid by the state, and the other half shall be paid by the county from which he attends. Each officer shall prepare an itemized statement showing his actual and necessary expenses, and if it is found regular and supported by proper receipts it shall be approved by the cabinet before payment.

Section 51. KRS 132.010 is amended to read as follows:

As used in this chapter, unless the context otherwise requires:

(1) "Cabinet" means the Revenue Cabinet.

(2) "Taxpayer" means any person made liable by law to file a return or pay a tax.

(3) "Real property" includes all lands within this state and improvements thereon. ***With respect to property of companies principally engaged in the provision of communications services as defined in Section 96 of this Act, "real property" means only land, buildings permanently affixed to land, and mobile homes, and does not include portable buildings, towers, pole lines, transmission lines, conduit and cable, whether above or below ground, and all similar property. For purposes of this chapter, "companies principally engaged in the provision of communications services" means any company that derives more than fifty percent (50%) of its gross receipts from the provision of communications services.***

(4) "Personal property" includes every species and character of property, tangible and intangible, other than real property.

(5) "Resident" means any person who has taken up a place of abode within this state with the intention of continuing to abide in this state; any person who has had his actual or habitual place of abode in this state for the larger portion of the twelve (12) months next preceding the date as of which an assessment is due to be made shall be deemed to have intended to become a resident of this state.

(6) "Compensating tax rate" means that rate which, rounded to the next higher one-tenth of one cent ($0.001) per one hundred dollars ($100) of assessed value and applied to the current year's assessment of the property subject to taxation by a taxing district, excluding new property and personal property, produces an amount of revenue approximately equal to that produced in the preceding year from real property. However, in no event shall the compensating tax rate be a rate which, when applied to the total current year assessment of all classes of taxable property, produces an amount of revenue less than was produced in the preceding year from all classes of taxable property. For purposes of this subsection, "property subject to taxation" means the total fair cash value of all property subject to full local rates, less the total valuation exempted from taxation by the homestead exemption provision of the Constitution and the difference between the fair cash value and agricultural or horticultural value of agricultural or horticultural land.

(7) "Net assessment growth" means the difference between:

(a) The total valuation of property subject to taxation by the county, city, school district, or special district in the preceding year, less the total valuation exempted from taxation by the homestead exemption provision of the Constitution in the current year over that exempted in the preceding year, and

(b) The total valuation of property subject to taxation by the county, city, school district, or special district for the current year.

(8) "New property" means the net difference in taxable value between real property additions and deletions to the property tax roll for the current year. "Real property additions" shall mean:

(a) Property annexed or incorporated by a municipal corporation, or any other taxing jurisdiction; however, this definition shall not apply to property acquired through the merger or consolidation of school districts, or the transfer of property from one (1) school district to another;

(b) Property, the ownership of which has been transferred from a tax-exempt entity to a nontax-exempt entity;

(c) The value of improvements to existing nonresidential property;

(d) The value of new residential improvements to property;

(e) The value of improvements to existing residential property when the improvement increases the assessed value of the property by fifty percent (50%) or more;

(f) Property created by the subdivision of unimproved property, provided, that when such property is reclassified from farm to subdivision by the property valuation administrator, the value of such property as a farm shall be a deletion from that category;

(g) Property exempt from taxation, as an inducement for industrial or business use, at the expiration of its tax exempt status;

(h) Property, the tax rate of which will change, according to the provisions of KRS 82.085, to reflect additional urban services to be provided by the taxing jurisdiction, provided, however, that such property shall be considered "real property additions" only in proportion to the additional urban services to be provided to the property over the urban services previously provided; and

(i) The value of improvements to real property previously under assessment moratorium.

"Real property deletions" shall be limited to the value of real property removed from, or reduced over the preceding year on, the property tax roll for the current year.

(9) "Agricultural land" means:

(a) Any tract of land, including all income-producing improvements, of at least ten (10) contiguous acres in area used for the production of livestock, livestock products, poultry, poultry products and/or the growing of tobacco and/or other crops including timber;

(b) Any tract of land, including all income-producing improvements, of at least five (5) contiguous acres in area commercially used for aquaculture; or

(c) Any tract of land devoted to and meeting the requirements and qualifications for payments pursuant to agriculture programs under an agreement with the state or federal government.

(10) "Horticultural land" means any tract of land, including all income-producing improvements, of at least five (5) contiguous acres in area commercially used for the cultivation of a garden, orchard, or the raising of fruits or nuts, vegetables, flowers, or ornamental plants.

(11) "Agricultural or horticultural value" means the use value of "agricultural or horticultural land" based upon income-producing capability and comparable sales of farmland purchased for farm purposes where the price is indicative of farm use value, excluding sales representing purchases for farm expansion, better accessibility, and other factors which inflate the purchase price beyond farm use value, if any, considering the following factors as they affect a taxable unit:

(a) Relative percentages of tillable land, pasture land, and woodland;

(b) Degree of productivity of the soil;

(c) Risk of flooding;

(d) Improvements to and on the land that relate to the production of income;

(e) Row crop capability including allotted crops other than tobacco;

(f) Accessibility to all-weather roads and markets; and

(g) Factors which affect the general agricultural or horticultural economy, such as: interest, price of farm products, cost of farm materials and supplies, labor, or any economic factor which would affect net farm income.

(12) "Deferred tax" means the difference in the tax based on agricultural or horticultural value and the tax based on fair cash value.

(13) "Homestead" means real property maintained as the permanent residence of the owner with all land and improvements adjoining and contiguous thereto including, but not limited to, lawns, drives, flower or vegetable gardens, outbuildings, and all other land connected thereto.

(14) "Residential unit" means all or that part of real property occupied as the permanent residence of the owner.

(15) "Special benefits" are those which are provided by public works not financed through the general tax levy but through special assessments against the benefited property.

(16) "Mobile home" means a structure, transportable in one (1) or more sections, which when erected on site measures eight (8) body feet or more in width and thirty-two (32) body feet or more in length, and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. It may be used as a place of residence, business, profession, or trade by the owner, lessee, or their assigns and may consist of one (1) or more units that can be attached or joined together to comprise an integral unit or condominium structure.

(17) "Recreational vehicle" means a vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper, and motor home.

(a) Travel trailer: A vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use, and of such size or weight as not to require special highway movement permits when drawn by a motorized vehicle, and with a living area of less than two hundred twenty (220) square feet, excluding built-in equipment (such as wardrobes, closets, cabinets, kitchen units or fixtures) and bath and toilet rooms.

(b) Camping trailer: A vehicular portable unit mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle and unfold at the camp site to provide temporary living quarters for recreational, camping, or travel use.

(c) Truck camper: A portable unit constructed to provide temporary living quarters for recreational, travel, or camping use, consisting of a roof, floor, and sides, designed to be loaded onto and unloaded from the bed of a pick-up truck.

(d) Motor home: A vehicular unit designed to provide temporary living quarters for recreational, camping, or travel use built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van which is an integral part of the completed vehicle.

(18) "Intangible personal property" means stocks, mutual funds, money market funds, bonds, loans, notes, mortgages, accounts receivable, land contracts, cash, credits, patents, trademarks, copyrights, tobacco base allotments, annuities, deferred compensation, retirement plans, and any other type of personal property that is not tangible personal property.

Section 52. KRS 132.020 is amended to read as follows:

(1) ***The owner or person assessed shall pay*** an annual ad valorem tax for state purposes ***at the rate*** of***:***

(a) Thirty-one and one-half cents ($0.315) upon each one hundred dollars ($100) of value of all real property directed to be assessed for taxation***;***[~~, and~~]

(b) One and one-half cents ($0.015) upon each one hundred dollars ($100) of value of all privately-owned leasehold interests in industrial buildings, as defined under KRS 103.200, owned and financed by a tax-exempt governmental unit, or tax-exempt statutory authority under the provisions of KRS Chapter 103, upon the prior approval of the Kentucky Economic Development Finance Authority, except that the rate shall not apply to the proportion of value of the leasehold interest created through any private financing***;***[~~, and~~]

(c) One and one-half cents ($0.015) upon each one hundred dollars ($100) of value of all tobacco directed to be assessed for taxation***;***[~~, and twenty-five cents ($0.25) upon each one hundred dollars ($100) of value of all money in hand, notes, bonds, accounts, and other credits, whether secured by mortgage, pledge, or otherwise, or unsecured, except as otherwise provided in subsection (2) of this section, and~~]

(d) One and one-half cents ($0.015) upon each one hundred dollars ($100) of value of unmanufactured agricultural products***;***[~~,~~]

(e) One-tenth of one cent ($0.001) upon each one hundred dollars ($100) of value of all farm implements and farm machinery owned by or leased to a person actually engaged in farming and used in his farm operations***;***[~~,~~]

(f) One-tenth of one cent ($0.001) upon each one hundred dollars ($100) of value of all livestock and domestic fowl***;***[~~,~~]

(g) One-tenth of one cent ($0.001) upon each one hundred dollars ($100) of value of all tangible personal property located in a foreign trade zone established pursuant to 19 U.S.C. sec. 81, provided that the zone is activated in accordance with the regulations of the United States Customs Service and the Foreign Trade Zones Board***;***[~~,~~]

(h) Fifteen cents ($0.15) upon ***each one hundred dollars ($100) of value of all*** machinery actually engaged in manufacturing***;***[~~,~~]

(i) Fifteen cents ($0.15) upon ***each one hundred dollars ($100) of value of all*** commercial radio, television, and telephonic equipment directly used or associated with electronic equipment which broadcasts electronic signals to an antenna***;***[~~,~~]

(j) Fifteen cents ($0.15) upon ***each one hundred dollars ($100) of value of all*** property which has been certified as a pollution control facility as defined in KRS 224.01-300***;***[~~,~~]

(k) One-tenth of one cent ($0.001) upon ***each one hundred dollars ($100) of value of all*** property which has been certified as an alcohol production facility as defined in KRS 247.910, or as a fluidized bed energy production facility as defined in KRS 211.390***;***[~~,~~]

(l) Twenty-five cents ($0.25) upon each one hundred dollars ($100) of value of motor vehicles qualifying for permanent registration as historic motor vehicles under the provisions of KRS 186.043***;***[~~,~~]

(m) Five cents ($0.05) upon each one hundred dollars ($100) of value of goods held for sale in the regular course of business, which includes machinery and equipment held in a retailer's inventory for sale or lease originating under a floor plan financing arrangement; and raw materials, which includes distilled spirits and distilled spirits inventory, and in-process materials, which includes distilled spirits and distilled spirits inventory, held for incorporation in finished goods held for sale in the regular course of business;

(n) Ten cents ($0.10) per one hundred dollars ($100) of assessed value on the operating property of railroads or railway companies that operate solely within the Commonwealth;

(o) One and one-half cents ($0.015) per one hundred dollars ($100) of assessed value on aircraft not used in the business of transporting persons or property for compensation or hire;

(p) One and one-half cents ($0.015) per one hundred dollars ($100) of assessed value on federally documented

vessels not used in the business of transporting persons or property for compensation or hire, or for other commercial purposes; and

(q) Forty-five cents ($0.45) upon each one hundred dollars ($100) of value of all other property directed to be assessed for taxation shall be paid by the owner or person assessed, except as provided in[~~ subsection (2) of this section and~~] KRS 132.030,[~~ 132.050,~~] 132.200, 136.300, ***and*** 136.320,[~~ and other sections~~] providing a different tax rate for particular property.

(2) [~~(a) An annual ad valorem tax for state purposes of one and one half cents ($0.015) upon each one hundred dollars ($100) of value shall be paid upon the following classes of intangible personal properties, when the intangible personal properties have not acquired a taxable situs without this state:~~

~~1. Accounts receivable, notes, bonds, credits, and any other intangible property rights arising out of or created in the course of regular and continuing business transactions substantially performed outside this state;~~

~~2. Patents, trademarks, copyrights, and licensing or royalty agreements relating to these;~~

~~3. Notes, bonds, accounts receivable, and all other intercompany intangible personal property due from any affiliated company; and~~

~~4. Tobacco base allotments.~~

~~(b) An annual ad valorem tax for state purposes of one thousandth of one percent (0.001%) shall be paid upon money in hand, notes, bonds, accounts, credits, and other intangible assets, whether by mortgage, pledge, or otherwise, or unsecured, of financial institutions, as defined in KRS 136.500.~~

~~(3) "Affiliated company" shall mean a parent corporation or subsidiary corporation, and any corporation principally engaged in business outside the United States in which the owner or the person assessed directly or indirectly owns or controls not less than ten percent (10%) of the outstanding voting stock.~~

~~(4) With respect to the intangible properties taxed pursuant to subsection (2) of this section, no other ad valorem tax shall be levied by the state or any county, city, school, or other taxing district on the intangible properties, or directly or indirectly against the owner.~~

~~(5) Thirty cents ($0.30) of the thirty-one and one-half cents ($0.315) state tax rate on real property and thirty cents ($0.30) of the forty-five cents ($0.45) state tax on tangible personalty subject to local taxation shall be considered as local school district tax levies for purposes of computing any direct payments of state or federal funds to said districts as replacement for ad valorem taxes lost on property acquired by a governmental agency. Should the equivalency ever be less than thirty cents ($0.30), as certified by the Department of Education, the direct payments shall be reduced proportionately.~~

~~(6) The provisions of subsection (1) of this section~~]Notwithstanding ***subsection (1)(a) of this section***, the state tax rate on real property shall be reduced to compensate for any increase in the aggregate assessed value of real property to the extent that the increase exceeds the preceding year's assessment by more than four percent (4%), excluding***:***

(a) The ***assessment of new property as defined in subsection (8) of Section 51 of this Act;***

(b) The assessment from property which is subject to tax increment financing pursuant to KRS Chapter 65***;*** and

(c) The assessment from leasehold property which is owned and financed by a tax-exempt governmental unit, or tax-exempt statutory authority under the provisions of KRS Chapter 103 and entitled to the reduced rate of one and one-half cents ($0.015) pursuant to subsection (1)***(b)*** of this section. In any year in which the aggregate assessed value of real property is less than the preceding year, the state rate shall be increased to the extent necessary to produce the approximate amount of revenue that was produced in the preceding year from real property.

(3)[~~(7)~~] By July 1 each year, the cabinet shall compute the state tax rate applicable to real property for the current year in accordance with the provisions of subsection ***(2)***[~~(5)~~] of this section and certify the rate to the county clerks for their use in preparing the tax bills. If the assessments for all counties have not been certified by July 1, the cabinet shall, when either real property assessments of at least seventy-five percent (75%) of the total number of counties of the Commonwealth have been determined to be acceptable by the cabinet, or when the number of counties having at least seventy-five percent (75%) of the total real property assessment for the previous year have been determined to be acceptable by the cabinet, make an estimate of the real property assessments of the uncertified counties and compute the state tax rate.

(4)[~~(8)~~] If the tax rate set by the cabinet as provided in subsection ***(2)***[~~(6)~~] of this section produces more than a four percent (4%) increase in real property tax revenues, excluding***:***

(a) The revenue resulting from new property as defined subsection (8) of Section 51 of this Act,

(b) The revenue from property which is subject to tax increment financing pursuant to KRS Chapter 65***;*** and

(c) The revenue from leasehold property which is owned and financed by a tax-exempt governmental unit, or tax-exempt statutory authority under the provisions of KRS Chapter 103 and entitled to the reduced rate of one and one-half cents ($0.015) pursuant to subsection (1) of this section, the rate shall be adjusted in the succeeding year so that the cumulative total of each year's property tax revenue increase shall not exceed four percent (4%) per year.

(5)[~~(9)~~] The provisions of subsection ***(2)***[~~(6)~~] of this section notwithstanding, the assessed value of unmined coal certified by the cabinet after July 1, 1994, shall not be included with the assessed value of other real property in determining the state real property tax rate. All omitted unmined coal assessments made after July 1, 1994, shall also be excluded from the provisions of subsection ***(2)***[~~(6)~~] of this section. The calculated rate shall, however, be applied to unmined coal property, and the state revenue shall be devoted to the program described in KRS 146.550 to 146.570, except that four hundred thousand dollars ($400,000) of the state revenue shall be paid annually to the State Treasury and credited to the Kentucky Coal Council for the purpose of public education of coal-related issues.

[~~(10) Effective on or after January 1, 1990, an ad valorem tax for state purposes of five cents ($0.05) upon each one hundred dollars ($100) of value shall be paid upon goods held for sale in the regular course of business, which, on or after January 1, 1999, includes machinery and equipment held in a retailer's inventory for sale or lease originating under a floor plan financing arrangement; and raw materials, which includes distilled spirits and distilled spirits inventory, and in process materials, which includes distilled spirits and distilled spirits inventory, held for incorporation in finished goods held for sale in the regular course of business.~~

~~(11) An ad valorem tax for state purposes of ten cents ($0.10) per one hundred dollars ($100) of assessed value shall be paid on the operating property of railroads or railway companies that operate solely within the Commonwealth.~~

~~(12) An ad valorem tax for state purposes of one and one-half cents ($0.015) per one hundred dollars ($100) of assessed value shall be paid on aircraft not used in the business of transporting persons or property for compensation or hire.~~

~~(13) An ad valorem tax for state purposes of one and one-half cents ($0.015) per one hundred dollars ($100) of assessed value shall be paid on federally documented vessels not used in the business of transporting persons or property for compensation or hire, or for other commercial purposes.~~]

Section 53. KRS 132.190 is amended to read as follows:

(1) ***All***[~~The~~] property ***shall be*** subject to taxation, unless ***it is*** exempted by the Constitution or ***in the case of*** personal property ***unless it is*** exempted by ***the Constitution or by*** statute[~~, shall be as follows:~~

~~(a) All real and personal property within this state, including intangible personal property of nonresidents and corporations not organized under the laws of this state that has acquired a business situs within this state, except that twenty-five (25) domestic fowl to each family shall be exempt from taxation for any purpose.~~

~~(b) All intangible personal property of individuals residing in this state and of corporations organized under the laws of this state unless it has acquired a business situs without this state~~].

(2) ***All intangible personal property of corporations organized under the laws of this state, unless it has acquired a business situs without this state,***[~~The property enumerated in paragraph (b) of subsection (1) of this section~~] shall be considered and estimated in fixing the valuation of corporate franchises.

(3) Property shall be assessed for taxation at its fair cash value, estimated at the price it would bring at a fair voluntary sale, except[~~ the following~~]: real property qualifying for an assessment moratorium shall not have its fair cash value assessment changed while under the assessment moratorium unless the assessment moratorium expires or is otherwise canceled or revoked.

(4)[~~ The situs of intangible personal property for purposes of taxation shall be at the residence of the real or beneficial owner, and not at the residence of the fiduciary or agent having custody or possession. Any intangible property owned by a resident shall be taxable in this state, unless by the date of assessment he has changed his place of abode to a place without this state with the bona fide intention of continuing actually to abide permanently without this state. The fact that a person again abides within this state within six (6) months from so changing his actual place of abode shall be prima facie evidence that he did not intend permanently to have his actual place of abode without this state. A person so changing his actual place of abode and not intending permanently to continue it without this state and not having listed his property for taxation as a resident of this state shall, for the purpose of having his property assessed for taxation within this state, be deemed to have resided, on the day when his property should have been so assessed, at his last actual or habitual place of abode within this state. The fact that a person does not claim or exercise the right to vote at public elections within this state shall not of itself constitute him a nonresident of this state.~~

~~(5) An administrator, executor, trustee, guardian, conservator, curator, or agent residing in this state shall not be liable for taxes on intangible personal property held by him if the real or beneficial owner of the property resides outside of this state. This exemption shall not apply in the case of an executor or administrator in the exercise of his office as personal representative while the estate of a deceased person is in process of settlement and before the share of the nonresident legatee or beneficiary is set apart to him, or before the legatee or beneficiary is entitled to be paid his share.~~

~~(6)~~] Nothing contained in this section shall affect the liability for franchise taxes payable by corporations organized under the laws of this state; nor the method of taxation of financial institutions provided in KRS 136.505; nor the method of taxation of savings and loan associations provided in KRS 136.300[~~; and nothing contained in this section shall alter or repeal KRS 136.030~~].

Section 54. KRS 132.200 is amended to read as follows:

All property subject to taxation for state purposes shall also be subject to taxation in the county, city, school, or other taxing district in which it has a taxable situs, except the ***class***[~~classes~~] of property described in KRS 132.030[~~ and 132.050,~~] and the following classes of property, which shall be subject to taxation for state purposes only:

(1) Farm implements and farm machinery owned by or leased to a person actually engaged in farming and used in his farm

operation;

(2) Livestock, ratite birds, and domestic fowl;

(3) Capital stock of savings and loan associations;

(4) Machinery actually engaged in manufacturing, products in the course of manufacture, and raw material actually on hand at the plant for the purpose of manufacture. The printing, publication, and distribution of a newspaper or operating a job printing plant shall be deemed to be manufacturing;

(5) Commercial radio, television, and telephonic equipment directly used or associated with electronic equipment which broadcasts electronic signals to an antenna; however, radio or television towers not essential to the production of the wave or signal broadcast shall not be included;

(6) Unmanufactured agricultural products. They shall be exempt from taxation for state purposes to the extent of the value, or amount, of any unpaid nonrecourse loans thereon granted by the United States government or any agency thereof, and except that cities and counties may each impose an ad valorem tax of not exceeding one and one-half cents ($0.015) on each one hundred dollars ($100) of the fair cash value of all unmanufactured tobacco and not exceeding four and one-half cents ($0.045) on each one hundred dollars ($100) of the fair cash value of all other unmanufactured agricultural products, subject to taxation within their limits that are not actually on hand at the plants of manufacturing concerns for the purpose of manufacture, nor in the hands of the producer or any agent of the producer to whom the products have been conveyed or assigned for the purpose of sale;

(7)[~~Money in hand, notes, bonds, accounts, and other credits, whether secured by mortgage, pledge, or otherwise, or unsecured. Nothing in this section shall forbid local taxation of franchises of corporations or of financial institutions, as provided for in KRS 136.575, or domestic life insurance companies;~~

~~(8)~~] All privately-owned leasehold interest in industrial buildings, as defined under KRS 103.200, owned and financed by a tax-exempt governmental unit, or tax-exempt statutory authority under the provisions of KRS Chapter 103, except that the rate shall not apply to the proportion of value of the leasehold interest created through any private financing;

(8)[~~(9)~~] Property which has been certified as a pollution control facility as defined in KRS 224.01-300;

(9)[~~(10)~~] Property which has been certified as an alcohol production facility as defined in KRS 247.910;

(10)[~~(11)~~] On and after January 1, 1977, the assessed value of unmined coal shall be included in the formula contained in KRS 132.590(9) in determining the amount of county appropriation to the office of the property valuation administrator;

(11)[~~(12)~~] Tangible personal property located in a foreign trade zone established pursuant to 19 U.S.C. sec. 81, provided that the zone is activated in accordance with the regulations of the United States Customs Service and the Foreign Trade Zones Board;

(12)[~~(13)~~] Motor vehicles qualifying for permanent registration as historic motor vehicles under the provisions of KRS 186.043. However, nothing herein shall be construed to exempt historical motor vehicles from the usage tax imposed by KRS 138.460;

(13)[~~(14)~~] Property which has been certified as a fluidized bed energy production facility as defined in KRS 211.390;

(14)[~~(15)~~] All motor vehicles held for sale in the inventory of a licensed motor vehicle dealer, which are not currently titled and registered in Kentucky and are held on an assignment pursuant to the provisions of KRS 186A.230, and all motor vehicles with a salvage title held by an insurance company;

(15)[~~(16)~~] Machinery or equipment owned by a business, industry, or organization in order to collect, source separate, compress, bale, shred, or otherwise handle waste materials if the machinery or equipment is primarily used for recycling purposes as defined in KRS 139.095;

(16)[~~(17)~~] New farm machinery and other equipment held in the retailer's inventory for sale under a floor plan financing arrangement by a retailer, as defined under KRS 365.800;

(17)[~~(18)~~] New boats and new marine equipment held for retail sale under a floor plan financing arrangement by a dealer registered under KRS 235.220;

(18)[~~(19)~~] Aircraft not used in the business of transporting persons or property for compensation or hire if an exemption is approved by the county, city, school, or other taxing district in which the aircraft has its taxable situs;

(19)[~~(20)~~] Federally documented vessels not used in the business of transporting persons or property for compensation or hire or for other commercial purposes, if an exemption is approved by the county, city, school, or other taxing district in which the federally documented vessel has its taxable situs; and

(20)[~~(21)~~] Any nonferrous metal that conforms to the quality, shape, and weight specifications set by the New York Mercantile Exchange's special contract rules for metals, and which is located or stored in a commodity warehouse and held on warrant, or for which a written request has been made to a commodity warehouse to place it on warrant, according to the rules and regulations of a trading facility. In this subsection:

(a) "Commodity warehouse" means a warehouse, shipping plant, depository, or other facility that has been designated or approved by a trading facility as a regular delivery point for a commodity on contracts of sale for future delivery; and

(b) "Trading facility" means a facility that is designated by or registered with the federal Commodity Futures Trading Commission under 7 U.S.C. secs. 1 et seq. "Trading facility" includes the Board of Trade of the City of Chicago, the Chicago Mercantile Exchange, and the New York Mercantile Exchange.

Section 55. KRS 132.208 is amended to read as follows:

All intangible personal property except that which is assessed under KRS 132.030 or KRS Chapter 136[~~Shares of stock~~] shall be exempt from state and local ad valorem tax. ***Nothing in this section shall forbid local taxation of franchises of corporations or of financial institutions, as provided for in KRS 136.575, or domestic life insurance companies.***

Section 56. KRS 132.220 is amended to read as follows:

(1) [~~Deposits belonging to a resident of Kentucky in any financial institution, as defined in KRS 136.500, and unmanufactured tobacco insofar as it is subject to taxation by KRS 132.190 and 132.200, shall be listed, assessed, and valued as of January 1 of each year. Money in hand shall be listed, assessed, and valued as of January 1 of each year. Notes, bonds, accounts, and other credits, whether secured by mortgage, pledge, or otherwise, or unsecured, and all interest in the property, unless otherwise provided by law, shall be listed, assessed, and valued as of the beginning of business on January 1 of each year.~~]All[~~ other~~] taxable property and all ***interests***[~~interest~~] in[~~ other~~] taxable property, unless otherwise specifically provided by law, shall be listed, assessed, and valued as of January 1 of each year. It shall be the duty of all persons owning or having any interest in any real property taxable in this state to list or have listed the property with the property valuation administrator of the county where it is located between January 1 and March 1 in each year, except as otherwise provided by law. It shall be the duty of all persons owning or having any interest in any[~~ intangible personal property or~~] tangible personal property taxable in this state to list or have listed the property with the property valuation administrator of the county of taxable situs or with the cabinet between January 1 and May 15 in each year, except as otherwise prescribed by law.[~~ The filing date for an individual's intangible property tax return may be extended to the extended federal income filing date approved by the Internal Revenue Service for that individual. If an individual extends the filing date for the intangible return, no discount shall be allowed upon the payment of the intangible tax.~~] All persons in whose name property is properly assessed shall remain bound for the tax, notwithstanding they may have sold or parted with it.

(2) Any taxpayer may list his property in person before the property valuation administrator or his deputy, or may file a property tax return by first class mail. Any real property correctly and completely described in the assessment record for the previous year, or purchased during the preceding year and for which a value was stated in the deed according to the provisions of KRS 382.135, may be considered by the owner to be listed for the current year if no changes that could potentially affect the assessed value have been made to the property. However, if requested in writing by the property valuation administrator or by the cabinet, any real property owner shall submit a property tax return to verify existing information or to provide additional information for assessment purposes. Any real property which has been underassessed as a result of the owner intentionally failing to provide information, or intentionally providing erroneous information, shall be subject to revaluation, and the difference in value shall be assessed as omitted property under the provisions of KRS 132.290.

(3) If the owner fails to list the property, the property valuation administrator shall nevertheless assess it. The property valuation administrator may swear witnesses in order to ascertain the person in whose name to make the list. The property valuation administrator, his employee, or employees of the cabinet may physically inspect and revalue land and buildings in the absence of the property owner or resident. The exterior dimensions of buildings may be measured and building photographs may be taken; however, with the exception of buildings under construction or not yet occupied, an interior inspection of residential and farm buildings, and of the nonpublic portions of commercial buildings shall not be conducted in the absence or without the permission of the owner or resident.

(4) Real property shall be assessed in the name of the owner, if ascertainable by the property valuation administrator, otherwise in the name of the occupant, if ascertainable, and otherwise to "unknown owner." The undivided real estate of any deceased person may be assessed to the heirs or devisees of the person without designating them by name.

(5) Real property tax roll entries for which tax bills have not been collected at the expiration of the one (1) year tolling period provided for in KRS 134.470, and for which the property valuation administrator cannot physically locate and identify the real property, shall be deleted from the tax roll and the assessment shall be exonerated. The property valuation administrator shall keep a record of these exonerations, which shall be open under the provisions of KRS 61.870 to 61.884. If, at any time, one of these entries is determined to represent a valid parcel of property it shall be assessed as omitted property under the provisions of KRS 132.290. Notwithstanding other provisions of the Kentucky Revised Statutes to the contrary, any loss of ad valorem tax revenue suffered by a taxing district due to the exoneration of these uncollectable tax bills may be recovered through an adjustment in the tax rate for the following year.

(6) All real property exempt from taxation by Section 170 of the Constitution shall be listed with the property valuation administrator in the same manner and at the same time as taxable real property. The property valuation administrator shall maintain an inventory record of the tax-exempt property, but the property shall not be placed on the tax rolls. A copy of this tax-exempt inventory shall be filed annually with the cabinet within thirty (30) days of the close of the listing period. This inventory shall be in the form prescribed by the cabinet. The cabinet shall make an annual report itemizing all exempt properties to the Governor and the Legislative Research Commission within sixty (60) days of the close of the listing period.

(7) Each property valuation administrator, under the direction of the cabinet, shall review annually all real property listed with him under subsection (6) of this section and claimed to be exempt from taxation by Section 170 of the Constitution. The property valuation administrator shall place on the tax rolls all property that is not exempt. Any property valuation administrator who fails to comply with this subsection shall be subject to the penalties prescribed in KRS 132.990(2).

Section 57. KRS 132.230 is amended to read as follows:

(1) Every person listing his property with the property valuation administrator shall state:

(a) Each separate tract of land, with the number of acres in each tract; the value per acre; each of the improvements thereon; the name of the nearest resident thereto; where located, giving the election precinct in which it is located; the number of each city lot and the improvements thereon, in what city, on which street, the value of each, and the value of the improvements thereon to the extent that they enhance the value of each lot; whether there is any land adjoining his owned by a nonresident of the county or state, giving the name and place of residence of any such owner, if known;

(b) The number of livestock, their type, species and value;

(c)[~~All other property including the number, denomination and fair cash value of all bonds subject to taxation owned by him with the value thereof on January 1 of the year for which the assessment is made, unless otherwise provided by law; and~~

~~(d)~~] Such other facts as may be required in the blanks provided.

(2) An error or informality in the description or location of the property, or in the name of the owner or person assessed, shall not invalidate the assessment if the property can with reasonable certainty be located or identified from the description given, in which case the collector may receive the taxes and by his receipt correct the error or informality.

Section 58. KRS 132.320 is amended to read as follows:

(1) Any person who has failed to list for taxation[~~ his intangible personal property or~~] tangible personal property[~~, in whole or in part, because he was not called upon by the property valuation administrator or for any other reason,~~] may at any time list the property with the cabinet by reporting to the cabinet the full details and a correct description of the omitted property and its value. The cabinet may determine and fix the fair cash value, estimated at the price it would bring at a fair voluntary sale, of the property so reported and listed for taxation.

(2) Any person dissatisfied with or aggrieved by the finding or ruling of the cabinet may appeal the finding or ruling in the manner provided in KRS 131.110.

(3) The cabinet may promulgate administrative regulations, and develop forms for the listing and assessment of the property assessed or to be assessed for taxation. The tax assessed shall be paid to and collected by the cabinet. Taxes collected by the cabinet on behalf of the county, school, and other local taxing districts shall be distributed to each district at least quarterly. From each distribution, the cabinet shall deduct a fee which represents an allocation of cabinet operating and overhead expenses incurred in assessing and collecting the omitted tax. The fee shall be determined by the cabinet and shall apply to all omitted taxes collected after December 31, 1997.

(4) All property assessed pursuant to this section shall be liable for the payment of the taxes, interest, and penalties provided by law for failure to list the property with the property valuation administrator or other assessment board, commission, or authority within the time and in the manner prescribed by law, except that if the taxpayer voluntarily lists property under this section the twenty percent (20%) penalty provided to be paid to the cabinet shall not apply, unless the taxpayer on an appeal from the action of the cabinet attempts to reduce the assessment and is unsuccessful.

(5) If after demand by the cabinet, any taxpayer refuses to voluntarily list any [~~intangible or~~] tangible personal property omitted from assessment, the cabinet shall make an estimate of the fair cash value of the omitted[~~ intangible or~~] tangible personal property from the information in its possession and assess the property for taxation and require payment of the taxes, penalties, and interest due to the state and local taxing districts from the person assessed. Notice of the assessment shall be mailed to the taxpayer or the taxpayer's agent. The finality and review of any assessment made pursuant to this section shall be governed by the provisions of KRS 131.110.

Section 59. KRS 132.330 is amended to read as follows:

The field agents, accountants and attorneys of the Revenue Cabinet shall cause to be listed for taxation all property omitted by the property valuation administrators, county board of assessment appeals, cabinet or any other assessing authority, for any year omitted. The agent, accountant or attorney proposing to have the property assessed shall file in the office of the county clerk of the county in which the property may be liable to assessment a statement containing a description and value of the property or corporate franchise proposed to be assessed, the name and place of residence of the owner, his agent or attorney, or person in possession of the property, if known, and the year the property was unassessed. The county clerk shall thereupon issue a summons against the owner, or person in possession of the property if the owner is unknown, to show cause within ten (10) days after the service of the summons, why the property or corporate franchise shall not be assessed at the value named in the statement filed. No decision shall be rendered against the alleged owner unless the statement filed contains a description of the property sought to be assessed that will enable the county judge/executive to identify it. The summons shall be executed by the sheriff by delivering a copy thereof to the owner, or if he is not in the county to his agent, attorney or person in possession of the property. If the property is real property, and the owner is known but is absent from the state and has no attorney or agent in this state and no one is in possession of the property, the summons shall be served by posting it in a conspicuous place upon the property; if the property consists of tangible personal property the summons shall be placed in a conspicuous place where the property is located. In the case of tangible[~~ and intangible~~] personal property, where the owner and his place of residence are unknown and no one (1) has possession of the property, an action for assessment shall be instituted by filing the petition above mentioned and procuring constructive service against the owner under the provisions of rules 4.05, 4.06, 4.07 and 4.08 of the Rules of Civil Procedure. In all of the above cases an attachment of the property omitted from assessment may be procured from the District Court against the owner, at the time of the institution of the action or thereafter, and without the execution of a bond by the Commonwealth or its relator, by the representative of the Revenue Cabinet making an affidavit that the property described in the petition is subject to state, county, school or other taxing district tax, and is unassessed for any taxable year.

Section 60. KRS 132.360 is amended to read as follows:

(1) Any assessment of[~~ accounts receivable, notes, or bonds or other intangible or~~] tangible personal property[~~ that were~~] listed with the property valuation administrator or with the Revenue Cabinet as provided by KRS 132.220 may be reopened by the Revenue Cabinet within five (5) years after the due date of the return, unless the assessed value[~~ thereof is the face value in the case of accounts receivable and notes or the quoted value in the case of bonds, or~~] has been established by a court of competent jurisdiction. If upon reopening the assessment the cabinet finds that the assessment was less than the fair cash value and should be increased, it shall give notice thereof to the taxpayer, who may within forty-five (45) days thereafter protest to the cabinet and offer evidence to show that no increase should be made. After the cabinet has disposed of the protest, the taxpayer may appeal from any such additional assessment as provided by KRS 131.110 and 131.340.

(2) Upon such assessment becoming final the cabinet shall certify the amount due to the taxpayer. The tax bill shall be handled and collected as an omitted tax bill, and the additional tax shall be subject to the same penalties and interest as the tax on omitted property voluntarily listed.

Section 61. KRS 132.450 is amended to read as follows:

(1) Each property valuation administrator shall assess at its fair cash value all property which it is his duty to assess except as provided in paragraph (c) of subsection (2) of this section.[~~ In the case of securities which are regularly bought and sold through stock exchanges, the price at which such property closed on the last regular business day preceding the assessment day shall be prima facie evidence of the fair cash value of such property.~~] The property of one (1) person shall not be assessed willfully or intentionally at a lower or higher relative value than the same class of property of another, and any grossly discriminatory valuation shall be construed as an intentional discrimination. The property valuation administrator shall make every effort, through visits with the taxpayer, personal inspection of the property, from records, from his own knowledge, from information in property schedules, and from such other evidence as he may be able to obtain, to locate, identify, and assess property.

(2) (a) In determining the total area of land devoted to agricultural or horticultural use, there shall be included the area of all land under farm buildings, greenhouses and like structures, lakes, ponds, streams, irrigation ditches and similar facilities, and garden plots devoted to growth of products for on-farm personal consumption but there shall be excluded, land used in connection with dwelling houses including, but not limited to, lawns, drives, flower gardens, swimming pools, or other areas devoted to family recreation. Where contiguous land in agricultural or horticultural use in one (1) ownership is located in more than one (1) county or taxing district, compliance with the minimum requirements shall be determined on the basis of the total area of such land and not the area of land which is located in the particular county or taxing district.

(b) Land devoted to agricultural or horticultural use, where the owner or owners have petitioned for, and been granted, a zoning classification other than for agricultural or horticultural purposes qualifies for the agricultural or horticultural assessment until such time as the land changes from agricultural or horticultural use to the use granted by the zoning classification.

(c) When the use of a part of a tract of land which is assessed as agricultural or horticultural land is changed either by conveyance or other action of the owner, the right of the remaining land to be retained in the agricultural or horticultural assessment shall not be impaired provided it meets the minimum requirements, except the minimum ten (10) contiguous acre requirement shall not be applicable if any portion of the agricultural or horticultural land has been acquired for a public purpose as long as the remaining land continues to meet the other requirements of this section.

(d) When in the opinion of the property valuation administrator any land has a value in excess of that for agricultural or horticultural use the property valuation administrator shall enter into the tax records the value of the property according to its fair cash value. When the property valuation administrator determines that the land meets the requirements for valuation as agricultural or horticultural land, the valuation for tax purposes shall be its agricultural or horticultural value.

(3) When land which has been valued and taxed as agricultural land for five (5) or more consecutive years under the same ownership fails to qualify for the classification through no other action on the part of the owner or owners other than ceasing to farm the land, the land shall retain its agricultural classification for assessment and taxation purposes. Classification as agricultural land shall expire upon change of use by the owner or owners or upon conveyance of the

property to a person other than a surviving spouse.

(4) If the property valuation administrator assesses any property[~~, except stocks and bonds at the market value listed in recognized publications,~~] at a greater value than that listed by the taxpayer or assesses unlisted property, the property valuation administrator shall serve notice on the taxpayer of such action. The notice shall be given by first-class mail or as provided in the Kentucky Rules of Civil Procedure.

(5) Any taxpayer may designate on the property schedule any property which he does not consider to be subject to taxation, and it shall be the duty of the property valuation administrator to obtain and follow advice from the cabinet relative to the taxability of such property.

Section 62. KRS 132.486 is amended to read as follows:

(1) The Revenue Cabinet shall develop and administer a centralized ad valorem assessment system for[~~ intangible personal property and~~] tangible personal property. This system shall be designed to provide on-line computer terminals and accessory equipment in every property valuation administrator's office in the state in order to create and maintain a centralized personal property tax roll database.

(2) State income tax returns and return preparation instructions shall be revised to facilitate the preparation of the personal property tax return; however, the personal property tax return shall be a separate document and shall be listed with the property valuation administrator in the county of taxable situs according to the provisions of KRS 132.220(1) or with the Revenue Cabinet. The Revenue Cabinet shall promulgate administrative regulations and develop forms for the listing and assessment of personal property.

(3) Appeals of personal property assessments shall not be made to the county board of assessment appeals. Personal property taxpayers shall be served notice under the provisions of KRS 132.450(4) and shall have the protest and appeal rights granted under the provision of KRS 131.110.

(4) No appeal shall delay the collection or payment of taxes based upon the assessment in controversy. The taxpayer shall pay all state, county, and district taxes due on the valuation which the taxpayer claims as the true value as stated in a protest filed under KRS 131.110. When the valuation is finally determined upon appeal, the taxpayer shall be billed for any additional tax and interest at the tax interest rate as defined in KRS 131.010(6), from the date the tax would have become due if no appeal had been taken. The provisions of KRS 134.390 shall apply to the tax bill.

Section 63. KRS 132.570 is amended to read as follows:

[~~(1)~~]No person shall willfully make a false statement[~~, or, to avoid taxation, make a temporary investment in securities exempt from taxation, or convert any intangible property into nontaxable property outside of this state,~~] or resort to any device to evade taxation. Any person doing so shall be subject to three (3) times the amount of tax upon his property, to be recovered by the sheriff by action in the name of the Commonwealth in the county in which the property is liable for taxation, or by the Revenue Cabinet, when the taxes are payable to it, in the Franklin Circuit Court.

[~~(2) No person shall transfer or assign of record any mortgage note, bond or other evidence of indebtedness, secured by any recorded instrument, for the sole purpose of evading the taxes thereon.~~]

SECTION 64. A NEW SECTION OF KRS CHAPTER 142 IS CREATED TO READ AS FOLLOWS:

(1) A transient room tax shall be imposed at a rate of one percent (1%) of the rent for every occupancy of any suite, room, or rooms charged by all persons, companies, corporations, groups, or organizations doing business as motor courts, motels, hotels, inns or like or similar accommodations businesses. As used in this subsection, rent shall not include any other local or state taxes paid by the person or entity renting the accommodations.

(2) The tax imposed by subsection (1) of this section shall not apply to the rental or lease of any room or set of rooms that is equipped with a kitchen, in an apartment building, and that is usually leased as a dwelling for a period of thirty (30) days or more by an individual or business that regularly holds itself out as exclusively providing apartments.

SECTION 65. A NEW SECTION OF KRS CHAPTER 142 IS CREATED TO READ AS FOLLOWS:

(1) On or before the twentieth day of every month, a taxpayer subject to the tax provided in Section 64 of this Act shall submit a return and the tax due for the preceding month to the Revenue Cabinet, in a form prescribed by the cabinet. To facilitate administration, the cabinet may permit or require returns or tax payments for other periods. Upon written request received on or before the due date, the cabinet may extend the filing or tax payment due date up to thirty (30) days.

(2) The Revenue Cabinet shall examine and audit each return as soon as practicable after it is received. If the tax computed by the cabinet is greater than the tax paid by the taxpayer, the cabinet shall assess the excess within four (4) years from the filing deadline, including any extensions granted. If the taxpayer failed to file a return or filed a fraudulent return, then the excess may be assessed at any time.

(3) A taxpayer may request a refund or credit for any overpayment of tax under Section 64 of this Act within four (4) years after the tax due date, including any extensions granted. The request shall be made to the Revenue Cabinet in writing and shall state the amount requested, the applicable period, the basis for the request, and any other information the cabinet reasonably requires.

(4) Any tax not paid on or before its due date shall bear interest at the tax interest rate provided in KRS 131.183 from the

date due until the date of payment. If an extension is granted, and the tax is not paid within the extension period, then interest shall accrue from the original due date.

SECTION 66. A NEW SECTION OF KRS CHAPTER 142 IS CREATED TO READ AS FOLLOWS:

Notwithstanding any other provision of law to the contrary, the president, vice president, secretary, treasurer, manager, partner, or any other person holding any equivalent office or position in any corporation, limited liability company, or registered limited liability partnership subject to Sections 64 and 65 of this Act shall be personally and individually liable, both jointly and severally, for the tax imposed under Section 64 of this Act. Dissolution, withdrawal of the corporation, company, or partnership from the state, or the cessation of holding any office shall not discharge the liability of any person. The liability shall attach at the time the tax becomes or became due. No person shall be held liable under this section if the person did not have authority to collect, truthfully account for, or pay over the tax at the time it became due. "Taxes" as used in this section shall include interest accrued under KRS 131.183 and all applicable penalties imposed under this chapter or KRS 131.180, 131.410 to 131.445, and 131.990.

SECTION 67. A NEW SECTION OF KRS CHAPTER 142 IS CREATED TO READ AS FOLLOWS:

(1) There is hereby created and established in the State Treasury a trust and agency account to be known as the tourism, meeting, and convention marketing fund. The fund shall be administered by the Department of Travel in the Commerce Cabinet, with the approval of the Governor's Office for Policy and Management.

(2) All tax receipts from the tax imposed under Section 64 of this Act shall be deposited into the tourism, meeting, and convention marketing fund. The fund shall also contain any other money contributed, allocated, or appropriated to it from any other source. Money in the fund shall be invested by the Finance and Administration Cabinet in instruments authorized under KRS 42.500. Investment proceeds shall be deposited to the credit of the fund. Money in the fund shall not lapse but shall be carried forward to the next fiscal year or biennium.

(3) The tourism, meeting, and convention marketing fund shall be used for the sole purpose of marketing and promoting tourism in the Commonwealth including expenditures to market and promote events and venues related to meetings, conventions, trade shows, cultural activities, historical sites, recreation, entertainment, natural phenomena, areas of scenic beauty, craft marketing, and any other economic activity that brings tourists and visitors to the Commonwealth. Marketing and promoting tourism shall not include expenditures on capital construction projects. Money shall not be expended from the fund until appropriated by the General Assembly.

(4) By September 1 of each year, the Secretary of the Commerce Cabinet shall report to the Governor and the Legislative Research Commission concerning the receipts, expenditures, and carry forwards of the fund for the preceding fiscal year.

SECTION 68. A NEW SECTION OF KRS CHAPTER 142 IS CREATED TO READ AS FOLLOWS:

Sections 64 to 68 of this Act may be cited as the Kentucky Tourism, Meeting, and Convention Marketing Act.

SECTION 69. A NEW SECTION OF KRS 139.040 TO 139.190 IS CREATED TO READ AS FOLLOWS:

As used in this chapter, "sales tax holiday" means the period between 12:01 a.m. on the first Friday in August and 12 midnight at the end of the following Sunday in calendar years 2004 and 2005.

SECTION 70. A NEW SECTION OF KRS CHAPTER 139 IS CREATED TO READ AS FOLLOWS:

(1) Notwithstanding any other provision of this chapter to the contrary, the taxes imposed by this chapter shall not apply to the sale or purchase, but not rental, of the following tangible personal property during the sales tax holiday:

(a) Clothing with a sales price of less than one hundred fifty dollars ($150) per item. "Clothing" means all human wearing apparel suitable for general use. "Clothing" includes, but is not limited to, pants, shirts, jackets, hats, undergarments, gloves, scarves, belts, and footwear. "Clothing" does not include clothing accessories or equipment, sport or recreational equipment, or protective equipment. As used in this paragraph:

1. "Clothing accessories or equipment" means incidental items worn on the person or in conjunction with clothing and includes, but is not limited to, jewelry, cosmetics, handbags, hair notions, and hairpieces;

2. "Sport or recreational equipment" means items worn in conjunction with an athletic or recreational activity that are not suitable for general use and includes, but is not limited to, cleated or spiked shoes, baseball gloves, shoulder pad, and ski boots; and

3. "Protective equipment" means items designed to protect the wearer or other persons against injury or disease or to protect property from injury or damage but not suitable for general use and includes, but is not limited to, helmets, hard hats, and protective gloves;

(b) "School supplies," which means and is limited to binders, book bags, calculators, cellophane tape, blackboard chalk, compasses, composition books, crayons, erasers, expandable folders, pocket folders, plastic folders, manila folders, glue, paste, paste sticks, highlighters, index cards, index card boxes, legal pads, lunch boxes, markers, notebooks, paper, loose leaf ruled notebook paper, copy paper, graph paper, tracing paper, manila paper, colored paper, poster board, construction paper, pencil boxes, school supply boxes, pencil sharpeners, pencils, pens, protractors, rulers, scissors, and writing tablets;

(c) Prewritten computer software as defined in KRS 139.160(2); and

(d) Computers and computer printers with a sales price of less than one thousand five hundred dollars ($1,500) per item. "Computer" means an electronic device that accepts information in digital or similar form and manipulates it for a result based on a sequence of instructions.

(2) The cabinet may modify the definitions in subsection (1) of this section as needed to correspond with changes that may be adopted by the Streamlined Sales Tax Implementing States by promulgating administrative regulations in accordance with KRS Chapter 13A.

(3) Notwithstanding KRS Chapter 13A, the cabinet may issue educational bulletins to enhance the understanding of and compliance with this section. These bulletins may list additional examples of taxable and exempt items in accordance with the definitions in subsection (1) of this section.

Section 71. KRS 139.200 is amended to read as follows:

A tax is hereby imposed upon all retailers at the rate of six percent (6%) of the gross receipts derived from:

(1) Retail sales, regardless of the method of delivery, made within this Commonwealth; and

(2) The furnishing of the following:

(a) The rental of any room or rooms, lodgings, or accommodations furnished by any hotel, motel, inn, tourist camp, tourist cabin, or any other place in which rooms, lodgings, or accommodations are regularly furnished to transients for a consideration. The tax shall not apply to rooms, lodgings, or accommodations supplied for a continuous period of thirty (30) days or more to a person;

(b) Sewer services;

(c) The sale of admissions except those taxed under KRS 138.480;

(d) ***Prepaid calling service, which means the right to access exclusively communications services, which are paid for in advance and which enable the origination of calls using an access number or authorization code, whether manually or electronically dialed, and that is sold in predetermined units or dollars of which the number declines in a known amount with use***[~~Communications service to a service address in this state, other than mobile telecommunications services as defined in KRS 139.195, regardless of where those services are billed or paid, when the communications service:~~

~~1. Originates and terminates in this state;~~

~~2. Originates in this state; or~~

~~3. Terminates in this state; and~~

~~(e) Mobile telecommunications services as defined in KRS 139.195, to a purchaser whose place of primary use is in this state~~]***; and***

(e) Distribution, transmission, or transportation services for natural gas sold, stored, used, or otherwise consumed in this state, excluding those for residential uses as defined in KRS 139.470(8) or to a seller or reseller of natural gas.

Section 72. KRS 139.210 is amended to read as follows:

(1) Except as provided in subsection (2) ***or (5)*** of this section, the tax shall be required to be collected by the retailer from the purchaser. If the taxable goods are bundled with services and are sold as a single package for one (1) price, the tax required to be collected by the retailer from the purchaser shall be computed on the entire amount. The tax shall be displayed separately from the sales price, the price advertised in the premises, the marked price, or other price on the sales receipt or other proof of sales.

(2) The cabinet may relieve certain retailers from the provisions of subsection (1) of this section of separate display of the tax when the circumstances of the retailer make compliance impracticable. If the retailer establishes to the satisfaction of the cabinet that the sales tax has been added to the total amount of the sales price and has not been absorbed by the retailer, the amount of the sales price shall be the amount received exclusive of the tax imposed.

(3) The taxes collected under this section shall be deemed to be held in trust by the retailer for and on account of the Commonwealth of Kentucky.

(4) The taxes to be collected under this section shall constitute a debt of the retailer to the Commonwealth.

(5) Retailers may absorb and pay the tax imposed by Section 71 of this Act without collecting the tax from the purchaser on any item sold during the sales tax holiday. On any item for which the retailer elects to absorb and pay the tax, the retailer shall give to the purchaser a receipt stating that the retailer has elected to absorb and pay the tax on the item and the amount of tax that the retailer will absorb. Retailers shall also maintain a copy of the receipt as evidence that the retailer has complied with the provisions of this subsection.

Section 73. KRS 139.220 is amended to read as follows:

(1) Except as it pertains to items sold during the sales tax holiday, it is unlawful for any retailer to advertise or hold out or state to the public or to any customer, directly or indirectly, that the tax levied by KRS 139.200 or required to be collected under KRS 139.340 or any part thereof will be assumed or absorbed by the retailer or that it will not be added to the selling price of the property sold or that if added it or any part thereof will be refunded.

(2) Any retailer who advertises as permitted by subsection (1) of this section shall clearly state the items or categories and the period during which the retailer will absorb and pay the tax.

Section 74. KRS 139.340 is amended to read as follows:

(1) Except as provided in ***subsection (3) of this section and in*** KRS 139.470 and 139.480, every retailer engaged in business in this state shall collect the tax imposed by KRS 139.310 from the purchaser and give to the purchaser a receipt therefor in the manner and form prescribed by the cabinet. The taxes collected or required to be collected by the retailer under this section shall be deemed to be held in trust for and on account of the Commonwealth of Kentucky.

(2) "Retailer engaged in business in this state" as used in this chapter includes any of the following:

(a) Any retailer maintaining, occupying, or using, permanently or temporarily, directly or indirectly, or through a subsidiary ***or any other related entity, representative***, or agent, by whatever name called, an office, place of distribution, sales or sample room or place, warehouse or storage place, or other place of business. Property owned by a person who has contracted with a printer for printing, which consists of the final printed product, property which becomes a part of the final printed product, or copy from which the printed product is produced, and which is located at the premises of the printer, shall not be deemed to be an office, place of distribution, sales or sample room or place, warehouse or storage place, or other place of business maintained, occupied, or used by the person;

(b) Any retailer having any representative, agent, salesman, canvasser, or solicitor operating in this state under the authority of the retailer or its subsidiary for the purpose of selling, delivering, or the taking of orders for any tangible personal property. An unrelated printer with which a person has contracted for printing shall not be deemed to be a representative, agent, salesman, canvasser, or solicitor for the person;

(c) Any retailer soliciting orders for tangible personal property from residents of this state on a continuous, regular, or systematic basis in which the solicitation of the order, placement of the order by the customer or the payment for the order utilizes the services of any financial institution, telecommunication system, radio or television station, cable television service, print media, or other facility or service located in this state;

(d) Any retailer deriving receipts from the lease or rental of tangible personal property situated in this state;[~~ or~~]

(e) Any retailer soliciting orders for tangible personal property from residents of this state on a continuous, regular, systematic basis if the retailer benefits from an agent ***or representative*** operating in this state under the authority of the retailer to repair or service tangible personal property sold by the retailer***; or***

(f) Any retailer located outside Kentucky that uses a representative in Kentucky, either full-time or part-time, if the representative performs any activities that help establish or maintain a marketplace for the retailer, including receiving or exchanging returned merchandise.

(3) Retailers engaged in business in this state may pay the tax imposed by KRS 139.310 without collecting the tax from the purchaser on any item sold during the sales tax holiday. On any item for which the retailer elects to absorb and pay the tax, the retailer shall give the purchaser a receipt stating that the retailer has elected to absorb and pay the tax on the item and the amount of the tax the retailer will absorb. Retailers shall also maintain a copy of the receipt as evidence that the retailer has complied with the provisions of this section.

SECTION 75. A NEW SECTION OF KRS CHAPTER 48 IS CREATED TO READ AS FOLLOWS:

(1) As used in this section for each even-numbered year:

(a) "Current year" means the fiscal year ending during the even-numbered year;

(b) "Population" means the Kentucky population, as estimated by the consensus forecasting group;

(c) "CPI" means the consumer price index as estimated by the consensus forecasting group;

(d) "Value A" means the enacted general fund revenue appropriations for the current year;

(e) "Baseline first year adjustment" means the sum of the estimated CPI for the first fiscal year of the upcoming biennium divided by the estimated CPI for the current year minus one (1), plus the estimated population for the first fiscal year of the upcoming biennium divided by the estimated population for the current year minus one (1);

(f) "Baseline second year adjustment" means the sum of the estimated CPI for the second fiscal year of the upcoming biennium divided by the estimated CPI for the current year minus one (1), plus the estimated population for the second fiscal year of the upcoming biennium divided by the estimated population for the current year minus one (1);

(g) "Baseline first year" means Value A multiplied by the sum of one (1) plus the baseline first year adjustment;

(h) "Baseline second year" means Value A multiplied by the sum of one (1) plus the baseline second year adjustment;

(i) "Biennium benchmark amount" means the sum of baseline first year and baseline second year; and

(j) "Adjustment amount" shall mean fifty percent (50%) of the amount derived by subtracting the biennium benchmark amount from the general fund revenue estimates made under KRS 48.120(2) for the upcoming biennium.

(2) The Revenue Cabinet shall make the calculations described in subsection (1) of this section prior to the certification of the revenue estimates under KRS 48.120(2). If the adjustment amount is greater than zero (0), then the Revenue Cabinet shall calculate an individual income tax rate as provided in subsection (3) of this section.

(3) The Revenue Cabinet shall calculate, to the nearest one-twentieth of one percent (0.05%), the reduction needed in the tax rate levied under paragraph (b) of subsection (2) of Section 4 of this Act that will result in a reduction in the amount of revenue for the upcoming biennium that is equal to the adjustment amount. Notwithstanding any other provision of the Kentucky Revised Statutes, the rate calculated under this subsection shall be effective for the first day of the first January in the upcoming biennium.

(4) The revenue estimate made under KRS 48.120(2) shall be adjusted by the adjustment amount and shall become the official revenue estimate for purposes of KRS 48.120.

Section 76. KRS 144.132 is amended to read as follows:

(1) Subject to the provisions of subsection (2) of this section, any certificated air carrier which is engaged in the air transportation of persons or property for hire shall be entitled to a credit against the Kentucky sales and use tax paid on aircraft fuel, including jet fuel, purchased after June 30, 2000, as determined under subsection (2) of this section.

(2) For fiscal years beginning after June 30, 2000, certificated air carriers shall pay the first one million dollars ($1,000,000) in Kentucky sales and use tax due that is applicable to the purchase of aircraft fuel, including jet fuel. ***The one million dollars ($1,000,000) shall be increased to reflect the sales and use tax on aviation fuel attributable to operations of any other company purchased, merged, acquired, or otherwise combined with the certificated air carrier after the base period. The increase shall be based on the tax applicable to aircraft fuel purchased during the twelve (12) month period immediately preceding the purchase, merger, or other acquisition by or in combination with the certificated air carrier.*** The sales and use tax credit shall be an amount equal to the Kentucky sales and use tax otherwise applicable to the purchase of aircraft fuel, including jet fuel, purchased by the certificated air carrier during each fiscal year beginning after June 30, 2000, in excess of one million dollars ($1,000,000).

(3) Each certificated air carrier purchasing aircraft fuel, including jet fuel, on which Kentucky sales and use tax for the fiscal year is reasonably expected to exceed one million dollars ($1,000,000) shall report and pay directly to the Revenue Cabinet the tax applicable to the purchase of aircraft fuel, including jet fuel, purchased for storage use or other consumption during the fiscal year.

(4) Each certificated air carrier claiming the sales and use tax credit authorized pursuant to this section shall file an annual sales and use tax reconciliation report with the Revenue Cabinet on or before October 15 of the fiscal year following the fiscal year for which the credit is claimed. The report shall be filed as provided in KRS 144.137.

Section 77. KRS 243.850 is amended to read as follows:

For the purpose of assisting in the enforcement of KRS[~~ 243.720 to~~] 243.850 and 243.884 or any amendments thereof, every licensee, except retailers, whether subject to the payment of taxes imposed by ***these***[~~said~~] sections or any amendments thereof, shall, on or before the twentieth day of each month, render to the Revenue Cabinet a statement, in writing, of all his trafficking in alcoholic beverages during the preceding month. ***The***[~~Such~~] statement shall be taken directly from the records of the reporting licensee, and shall set forth on forms furnished by the Revenue Cabinet ***the***[~~such~~] information as shall be required[~~ by it~~]. ***The***[~~Such~~] statement shall include alcohol destined for sale outside the state, as well as alcoholic beverages subject to the tax imposed by KRS[~~ 243.720 to~~] 243.850 and 243.884 or any amendments thereof. Provided, that the Revenue Cabinet shall have authority to require from retail licensees and other licensees, other reports and statements at ***the***[~~such~~] times as are necessary for the enforcement of KRS[~~ 243.720 to~~] 243.850 and 243.884 or any amendments thereof.

Section 78. KRS 243.884 is amended to read as follows:

(1) For the privilege of making "wholesale sales" or "sales at wholesale" of beer, wine, or distilled spirits, a tax is hereby imposed upon all wholesalers of wine ***at the rate of thirteen and twelve one hundredths percent (13.12%), upon all wholesalers of***[~~ and~~] distilled spirits at the rate of ***fifteen and eighty-five one hundredths percent (15.85%),***[~~nine percent (9%)~~] and upon all distributors of beer at the rate of ***twelve and nineteen one hundredths percent (12.19%)***[~~nine percent (9%)~~] of the gross receipts of any[~~ such~~] wholesaler or distributor derived from "sales at wholesale" or "wholesale sales" made within the Commonwealth except as provided in subsection (2) of this section. Wholesalers of distilled spirits and wine and distributors of malt beverages shall pay and report the tax levied by this section on or before the 20th day of the calendar month next succeeding the month in which possession or title of the distilled spirits, wine or malt beverages is transferred from the wholesaler or distributor to retailers or consumers in this state, in accordance with rules and regulations of the Revenue Cabinet designed reasonably to protect the revenues of the Commonwealth.

(2) Gross receipts from sales at wholesale or wholesale sales shall not include the following sales:

(a) Sales made between wholesalers or between distributors;

(b) Sales made by a small winery or farm winery or wholesaler of wine produced by a small winery or farm winery, if the grapes, grape juice, other fruits, other fruit juices, or honey from which the wine is made are produced in Kentucky;

(c) Until June 30, 2004, sales from a small winery or wholesaler of wine produced by a small winery, if the grapes, grape juice, other fruits, other fruit juices, or honey from which the wine is made are not produced in Kentucky.

Section 79. KRS 243.990 is amended to read as follows:

(1) Any person who, by himself or acting through another, directly or indirectly, violates any of the provisions of KRS 243.020 to 243.670, for which no other penalty is provided, shall, for the first offense, be guilty of a Class B misdemeanor; and for the second and each subsequent violation, he shall be guilty of a Class A misdemeanor. The penalties provided for in this subsection shall be in addition to the revocation of the offender's license.

(2) Any person who, by himself or through another, directly or indirectly, violates subsection (1) of KRS 243.020 shall, for the first offense, be guilty of a Class B misdemeanor; for the second offense, he shall be guilty of a Class A misdemeanor; and for the third and each subsequent offense, he shall be guilty of a Class D felony.

(3) Any person who violates subsection (3) of KRS 243.020 shall be guilty of a violation.

(4) Any person who violates KRS 243.620 with respect to a license issued under KRS 243.050 shall be guilty of a violation.

(5)[~~Any person who violates any of the provisions of KRS 243.720 or 243.730 or any regulation issued thereunder shall be guilty of a Class A misdemeanor.~~

~~(6)~~] Any person who violates any provision of KRS[~~ 243.710 to~~] 243.850 ***to 243.892*** shall be subject to the uniform civil penalties imposed pursuant to KRS 131.180.

(7) In every case, any tax imposed by KRS ***243.850 to 243.892***[~~243.710 to 243.720~~] which is not paid on or before the due date shall bear interest at the tax interest rate as defined in KRS 131.010(6) from the due date until the date of payment.

Section 80. KRS 160.483 is amended to read as follows:

The license fees imposed under KRS 160.482 to 160.488 on businesses, trades, occupations, and professions shall be at a single, uniform percentage rate not to exceed one-half of one percent (0.5%) of (a) salaries, wages, and commissions, and other compensations earned by persons within the county for work done and services performed or rendered in the county, and (b) the net profits of all businesses, trades, occupations, and professions, for activities conducted in the county. The license fees, once imposed, shall continue from year to year until changed as prescribed in KRS 160.484. No public service company which pays an ad valorem tax is required to pay a license fee hereunder. No license fee shall be imposed upon or collected from any bank, trust company, combined bank and trust company, combined trust, banking and title business in this state, any savings and loan association whether state or federally chartered, ***any communications service provider subject to tax under Section 97 of this Act,*** or upon income received by members of the Kentucky National Guard for active duty training, unit training assemblies, and annual field training, or upon income received by precinct workers for election training or work at election booths in state, county, and local primary, regular, or special elections. No license tax shall be collected from any individual who is not a resident of the county of the tax-levying authority imposing the tax.

Section 81. KRS 134.060 is amended to read as follows:

[~~Except as provided in subsection (5) of KRS 132.190, ~~]The holder of the legal title, the holder of the equitable title, and the claimant or bailee in possession of the property on the assessment date provided by law shall be liable for taxes thereon; but, as between themselves, the holder of the equitable title shall list the property and pay the taxes thereon, whether the property is in possession or not at the time of the payment.

Section 82. KRS 134.810 is amended to read as follows:

(1) All state, county, city, urban-county government, school, and special taxing district ad valorem taxes shall be due and payable on or before the earlier of the last day of the month in which registration renewal is required by law for a motor vehicle renewed or the last day of the month in which a vehicle is transferred.

(2) All state, county, city, urban-county government, school, and special taxing district ad valorem taxes due on motor vehicles shall become delinquent following the earlier of the end of the month in which registration renewal is required by law or the last day of the second calendar month following the month in which a vehicle was transferred.

(3) Any taxes which are paid within thirty (30) days of becoming delinquent shall be subject to a penalty of three percent (3%) on the taxes due. However, this penalty shall be waived if the tax bill is paid within five (5) days of the tax bill being declared delinquent. Any taxes which are not paid within thirty (30) days of becoming delinquent shall be subject to a penalty of ten percent (10%) on the taxes due. In addition, interest at an annual rate of fifteen percent (15%) shall accrue on said taxes and penalty from the date of delinquency. A penalty or interest shall not accrue on a motor vehicle under dealer assignment pursuant to KRS 186A.220.

(4) When a motor vehicle has been transferred before registration renewal or before taxes due have been paid, the owner pursuant to KRS 186.010(7)(a) and (c) on January 1 of any year shall be liable for the taxes on the motor vehicle, except as hereinafter provided.

(5) If an owner obtains a certificate of registration for a motor vehicle valid through the last day of his second birth month following the month and year in which he applied for a certificate of registration, all state, county, city, urban-county government, school, and special tax district ad valorem tax liabilities arising from the assessment date following initial registration shall be due and payable on or before the last day of the first birth month following the assessment date or date of transfer, whichever is earlier. Any taxes due under the provisions of this subsection and not paid as set forth above shall be considered delinquent and subject to the same interest and penalties found in subsection (3) of this section.

(6) For purposes of the state ad valorem tax only, all motor vehicles held for sale by a licensed Kentucky dealer and all motor

vehicles with a salvage title held by an insurance company on January 1 of any year shall not be taxed as a motor vehicle pursuant to KRS 132.485 but shall be subject to ad valorem tax as goods held for sale in the regular course of business under the provisions of ***paragraph (m) of subsection (1) of Section 52 of this Act***~~[KRS 132.020(10)]~~ and ***KRS*** 132.220.

(7) Any provision to the contrary notwithstanding, when any ad valorem tax on a motor vehicle becomes delinquent, the state and each county, city, urban-county government, or other taxing district shall have a lien on all motor vehicles owned or acquired by the person who owned the motor vehicle at the time the tax liability arose. A lien for delinquent ad valorem taxes shall not attach to any motor vehicle transferred while the taxes are due on that vehicle. For the purpose of delinquent ad valorem taxes on leased vehicles only, a lien on a leased vehicle shall not be attached to another vehicle owned by the lessor.

(8) The lien required by subsection (7) of this section shall be filed and released by the automatic entry of appropriate information in the AVIS database. For the filing and release of each lien or set of liens arising from motor vehicle ad valorem property tax delinquency, a fee of one dollar ($1) shall be added to the delinquent tax account. The fee shall be collected and retained by the county clerk who collects the delinquent tax.

(9) The implementation of the automated lien system provided in this section shall not affect the manner in which commercial liens are recorded or released.

Section 83. KRS 132.990 is amended to read as follows:

(1) Any person who willfully fails to supply the property valuation administrator or the Revenue Cabinet with a complete list of his property and such facts with regard thereto as may be required or who violates any of the provisions of KRS 132.570 shall be fined not more than five hundred dollars ($500).

(2) Any property valuation administrator who willfully fails or neglects to perform any duty legally imposed upon him shall be fined not more than five hundred dollars ($500) for each offense.

(3) Any county clerk who willfully fails or neglects to perform any duty required of him by KRS 132.480~~[or by KRS 132.490]~~ shall be fined not more than fifty dollars ($50) for each offense.

(4) Any person who willfully falsifies application for exemption or who fails to notify the property valuation administrator of any changes in qualifying requirements under the provision of KRS 132.810 shall be fined not more than five hundred dollars ($500).

Section 84. KRS 243.0305 is amended to read as follows:

(1) A souvenir retail liquor license may be issued to any licensed Kentucky distiller that has a gift shop or other retail outlet on its premises, if the distillery is located in wet territory. The application shall be made on forms provided by the board.

(2) A wholesaler registered to distribute the brands of any distiller holding a souvenir retail license may permit the distiller to deliver a souvenir package directly from the distillery proper to the portion of the distillery premises operated by the licensee for the sale of souvenir packages. However, all direct shipments shall be invoiced from the distiller to the wholesaler and from the wholesaler to the souvenir package licensee, and all products directly shipped shall be included in the wholesaler's inventory and depletions for purposes of tax collections imposed pursuant to KRS ***243.790***~~[243.710]~~ to 243.895 and 243.990.

(3) A distiller who has obtained a souvenir retail license may sell souvenir packages at retail to distillery visitors of legal drinking age, in quantities not to exceed an aggregate of three (3) liters per visitor per day, with the exception of a purchase by a partnership, limited liability partnership, corporation, limited liability company, or other business entity holding an event on the premises of the distillery, in which case the limitation shall be one (1) liter per visitor attending the event. These sales shall be permitted only through the gift shop or other retail outlet on the distiller's premises.

(4) Hours of sale for a souvenir retail liquor licensee shall be 9 a.m. until 9 p.m. prevailing time Monday through Saturday. The licensed premises may remain open if they have a separate department pursuant to KRS 244.290(1).

(5) Except as provided in this section, souvenir retail liquor licenses shall be governed by all the statutes and administrative regulations governing the retail sale of distilled spirits by the package.

(6) No wholesaler may restrict the sale of souvenir packages to the souvenir retail liquor licensee exclusively, but shall make souvenir packages available to any Kentucky retail licensee licensed for the sale of distilled spirits by the package.

Section 85. KRS 211.285 is amended to read as follows:

(1) There is hereby created the "Malt Beverage Educational Fund" which shall provide moneys on a matching basis for educational information and materials that deter or eliminate underage drinking. The fund shall consist of moneys generated from~~[one percent (1%) of the excise tax collected from the sale and distribution of malt beverages under KRS 243.720 and]~~ one percent (1%) of the wholesale tax collected from distributors of malt beverages under KRS 243.884.

(2) The "Malt Beverage Educational Fund" shall be established in the State Treasury as a trust and revolving account under KRS 45.253. Moneys in the account shall be distributed by the State Treasurer to the Malt Beverage Educational Corporation, a nonprofit organization that is organized under the laws of this state, upon the authorization of the secretary of the Cabinet for Health Services. The moneys shall be awarded to the corporation solely to fund educational programs to deter or eliminate underage drinking.

(3) The secretary of the Cabinet for Health Services shall authorize that moneys from the fund be disbursed to the corporation

upon the secretary's receipt of a certification from the corporation showing the moneys the corporation has received from malt beverage distributors and other private sources since the last certification. The moneys disbursed from the fund shall be equal to the contributions that the corporation has received from its members and other private sources during that period. The moneys in the fund shall be disbursed in accordance with a schedule established by the secretary, and shall be disbursed until the moneys in the fund are exhausted or until the moneys in the fund lapse in accordance with subsection (4) of this section, whichever comes first.

(4) Moneys that are credited to the fund and not issued to the corporation shall lapse at the end of the fiscal year and shall be returned to the general fund.

(5) As a condition of receiving the governmental funds, the corporation's board of directors shall include the following among its directors:

(a) The Governor or his or her designee;

(b) The Attorney General or his or her designee;

(c) The President of the Senate or his or her designee;

(d) The Speaker of the House or his or her designee;

(e) The secretary of the Cabinet for Health Services or his or her designee; and

(f) The commissioner of the Department of Alcoholic Beverage Control or his or her designee.

(6) All expenditures of moneys from the fund shall be approved by a majority of those persons set out in subsection (5)(a) to (f) of this section. If the moneys from the fund are not expended in their entirety, any moneys that remain unused by the corporation at the end of the fiscal year shall be returned to the general fund.

(7) Any moneys from the fund that are not expended shall be returned to the general fund upon the dissolution of the corporation.

(8) Any high school in the Commonwealth of Kentucky that was registered with the Department of Education as of July 1, 1997, may make an application to the Malt Beverage Education Corporation by February 28 of each year and shall be granted a minimum of five hundred dollars ($500) annually from the funds contributed by the Malt Beverage Educational Fund for the single purpose of supporting "Project Graduation" events.

Section 86. KRS 243.850 is amended to read as follows:

For the purpose of assisting in the enforcement of KRS[~~ 243.720 to~~] 243.850 and 243.884 or any amendments thereof, every licensee, except retailers, whether subject to the payment of taxes imposed by said sections or any amendments thereof, shall, on or before the twentieth day of each month, render to the Revenue Cabinet a statement, in writing, of all his trafficking in alcoholic beverages during the preceding month. Such statement shall be taken directly from the records of the reporting licensee, and shall set forth on forms furnished by the Revenue Cabinet such information as shall be required by it. Such statement shall include alcohol destined for sale outside the state, as well as alcoholic beverages subject to the tax imposed by KRS[~~ 243.720 to~~] 243.850 and 243.884 or any amendments thereof. Provided, that the Revenue Cabinet shall have authority to require from retail licensees and other licensees, other reports and statements at such times as are necessary for the enforcement of KRS[~~ 243.720 to~~] 243.850 and 243.884 or any amendments thereof.

Section 87. KRS 244.180 is amended to read as follows:

The following property, even though found and seized in dry territory, is contraband:

(1) Any apparatus commonly used or intended to be used in the manufacture of alcoholic beverages and not registered in the office of a collector of internal revenue for the United States. The burden of proof that the apparatus is so registered shall be on the defendant.

(2) Any and all material, equipment, implements, devices, firearms and other property used or intended for use directly and immediately in connection with the unlawful traffic in alcoholic beverages.

(3) Any alcoholic beverages in the possession of anyone not entitled by law to possess them.

(4) Any alcoholic beverages to which the revenue stamps or tax crowns have not been affixed as required by KRS[~~ 243.720 to~~] 243.850.

(5) Any alcoholic beverages in a container of a size prohibited by law or prohibited to the particular party in whose possession they are found.

(6) Any vehicle, watercraft or aircraft in which any person is illegally possessing or transporting alcoholic beverages. "Illegally possessing" means and includes the holding of any alcoholic liquors unless lawfully acquired and intended for lawful uses.

Section 88. KRS 138.130 is amended to read as follows:

As used in KRS 138.130 to 138.205, unless the context requires otherwise:

(1) "Cabinet" means the Revenue Cabinet.

(2) "Manufacturer" means any person who manufactures or produces cigarettes***, smokeless tobacco products, or other tobacco products*** within or without this state.

(3) "Retailer" means any person who sells to a consumer or to any person for any purpose other than resale.

(4) "Sale at retail" *means*[~~shall mean~~] a sale to any person for any other purpose other than resale.

(5) "Cigarettes" *means*[~~shall mean and include~~] any roll for smoking made wholly or in part of tobacco, or any substitute for tobacco, irrespective of size or shape and whether or not *the*[~~such~~] tobacco is flavored, adulterated or mixed with any other ingredient, the wrapper or cover of which is made of paper or any other substance or material, excepting tobacco.

(6) "Sale" or "sell" *means*[~~shall mean~~] any transfer for a consideration, exchange, barter, gift, offer for sale, advertising for sale, soliciting an order for cigarettes*, other tobacco products, or smokeless tobacco products*, and distribution in any manner or by any means whatsoever.

(7) "Tax evidence" *means*[~~shall mean and include~~] any stamps, metered impressions or other indicia prescribed by the cabinet by regulation as a means of denoting the payment of tax.

(8) "Person" *means*[~~shall mean and include~~] any individual, firm, copartnership, joint venture, association, municipal or private corporation whether organized for profit or not, *the* Commonwealth of Kentucky or any of its political subdivisions, *an* estate, trust or any other group or combination acting as a unit, and the plural as well as the singular.

(9) "Resident wholesaler" *means*[~~shall mean~~] any person who purchases at least seventy-five percent (75%) of all cigarettes*, other tobacco products, or smokeless tobacco products* purchased by *the wholesaler*[~~him~~] directly from the[~~ cigarette~~] manufacturer on which the[~~ cigarette~~] tax provided for in KRS 138.130 to 138.205 is unpaid, and who maintains an established place of business in this state where *the wholesaler*[~~he~~] attaches cigarette tax evidence, or receives untaxed cigarettes*, other tobacco products, or smokeless tobacco products*.

(10) "Nonresident wholesaler" *means*[~~shall mean~~] any person who purchases cigarettes*, other tobacco products, or smokeless tobacco products* directly from the manufacturer and maintains a permanent location or locations outside this state where Kentucky cigarette tax evidence is attached or from where Kentucky cigarette tax is reported and paid.

(11) "Sub-jobber" *means*[~~shall mean~~] any person who purchases cigarettes*, other tobacco products, or smokeless tobacco products* from a wholesaler licensed under KRS 138.195 on which the *tax imposed by Section 89 of this Act*[~~Kentucky cigarette tax~~] has been paid and makes them available to retailers for resale. No person shall be deemed to make cigarettes*, other tobacco products, or smokeless tobacco products* available to retailers for resale unless *the*[~~such~~] person certifies and establishes to the satisfaction of the cabinet that firm arrangements have been made to regularly supply at least five (5) retail locations with Kentucky tax-paid cigarettes*, other tobacco products, or smokeless tobacco products* for resale in the regular course of business.

(12) "Vending machine operator" *means*[~~shall mean~~] any person who operates one (1) or more cigarette*, other tobacco products, or smokeless tobacco products* vending machines. .

(13) "Transporter" *means*[~~shall mean~~] any person transporting untax-paid cigarettes*, other tobacco products, or smokeless tobacco products* obtained from any source to any destination within this state, other than cigarettes*, other tobacco products, or smokeless tobacco products* transported by the manufacturer thereof.

(14) "Unclassified acquirer" *means*[~~shall mean~~] any person in this state who acquires cigarettes*, other tobacco products, or smokeless tobacco products* from any source on which the *tax imposed by Section 89 of this Act*[~~Kentucky cigarette tax~~] has not been paid, and who is not a person otherwise required to be licensed under the provisions of KRS 138.195.

(15) "Other tobacco products" means any product made from tobacco, other than a cigarette as defined in subsection (5) of this section, or smokeless tobacco product as defined as subsection (16) of this section, that is made for smoking.

(16) "Smokeless tobacco products" means snuff and any product made from tobacco other than a cigarette as defined in subsection (5) of this section, or other tobacco products as defined in subsection (15) of this section, that is prepared in such a manner to be suitable for chewing only and not suitable for smoking as described in subsection (5) of this section.

(17) "Wholesale sale" means a sale made for the purpose of resale in the regular course of business.

Section 89. KRS 138.140 is amended to read as follows:

(1) A tax shall be paid on the sale of cigarettes within the state at a proportionate rate of three cents ($0.03) on each twenty (20) cigarettes. This tax shall be paid only once, regardless of the number of times the cigarettes may be sold in this state.

(2) A surtax shall be paid in addition to the tax levied in subsection (1) of this section at a proportionate rate of twenty-six cents ($0.26) on each twenty (20) cigarettes. This tax shall be paid only once, at the same time the tax imposed by subsection (1) of this section is paid, regardless of the number of times the cigarettes may be sold in the state.

(3) Effective August 1, 2004, a tax shall be imposed upon all wholesalers of other tobacco products at the rate of ten percent (10%) of the gross receipts of any wholesaler derived from wholesale sales made within the Commonwealth. This tax shall be paid only once, regardless of the number of times the tobacco product may be sold in the state.

(4) Effective August 1, 2004, a tax shall be imposed upon all wholesalers of smokeless tobacco products at the following rates:

(a) Upon all chewing tobacco, three and seventeen hundredths cents ($0 .0317) per ounce, rounded to the nearest ounce;

(b) Upon snuff, nine and one-half cents ($0.095) per ounce, rounded to the nearest ounce.

SECTION 90. A NEW SECTION OF KRS 138.130 TO 138.205 IS CREATED TO READ AS FOLLOWS:

(1) Every retailer, resident wholesaler, nonresident wholesaler and unclassified acquirer shall take a physical inventory of all cigarettes in packages bearing Kentucky tax stamps, and all unaffixed Kentucky cigarette tax stamps possessed by them or in their control at 12:01 a.m. on May 31, 2004. Inventory of cigarettes in vending machines may be accomplished by an actual physical inventory, by estimating the cigarettes in vending machines by reporting one-half (1/2) of the normal fill capacity of the machines, as reflected in individual inventory records maintained for vending machines, or a combination of these methods.

(2) Every retailer, resident wholesaler, nonresident wholesaler, and unclassified acquirer shall, on or before July 1, 2004, file a return with the Revenue Cabinet on a form prescribed by the cabinet showing the entire wholesale and resale inventories of cigarettes in packages bearing Kentucky tax stamps, and all unaffixed Kentucky cigarette tax stamps possessed by them or in their control at 12:01 a.m. on May 31, 2004.

(3) Every retailer, resident wholesaler, nonresident wholesaler, and unclassified acquirer shall pay with the filing of the return required by subsection (2) of this section, a floor stock tax at a rate equal to that imposed by subsection (2) of section 96 of this Act, with the calculation based upon the number of cigarettes in packages bearing a Kentucky tax stamp and unaffixed Kentucky tax stamps in their possession or control at 12:01 a.m. on May 31, 2004.

Section 91. KRS 138.146 is amended to read as follows:

(1) The~~[cigarette]~~ tax imposed by KRS 138.130 to 138.205 shall be due when any licensed wholesaler or unclassified acquirer takes possession within this state of untax-paid cigarettes.

(2) The tax shall be paid by the purchase of stamps by a resident wholesaler within forty-eight (48) hours after the ***wholesaler receives the*** cigarettes~~[are received by him]~~. A stamp shall be affixed to each package of an aggregate denomination not less than the amount of the tax ***on the package***~~[upon the contents thereof]~~. The ***affixed*** stamp~~[, so affixed,]~~ shall be prima facie evidence of payment of tax. Unless~~[such]~~ stamps have been previously affixed, they shall be~~[so]~~ affixed by each resident wholesaler prior to the delivery of any cigarettes to a retail location or any person in this state. The evidence of tax payment shall be affixed to each individual package of cigarettes by a nonresident wholesaler prior to the introduction or importation of the cigarettes into the territorial limits of this state. The evidence of tax payment shall be affixed by an unclassified acquirer within twenty-four (24) hours after the cigarettes are received by ***the unclassified acquirer***~~[him]~~.

(3) The cabinet shall by regulation prescribe the form of cigarette tax evidence, the method and manner of the sale and distribution of~~[such]~~ cigarette tax evidence, and the method and manner that ***tax***~~[such]~~ evidence shall be affixed to the cigarettes. All cigarette tax evidence prescribed by the cabinet shall be designed and furnished in a fashion to permit identification of the person that affixed the cigarette tax evidence to the particular package of cigarettes, by means of numerical rolls or other mark on the cigarette tax evidence. The cabinet shall maintain for at least three (3) years information identifying the person that affixed the cigarette tax evidence to each package of cigarettes. This information shall not be kept confidential or exempt from disclosure to the public through open records.

(4) Units of cigarette tax evidence shall be sold at their face value, but the cabinet shall allow as compensation to any licensed wholesaler an amount of tax evidence equal to thirty cents ($0.30) face value for each three dollars ($3) of tax evidence purchased at face value ***and attributable to the tax assessed in subsection (1) of Section 89 of this Act. No compensation shall be allowed for tax evidence purchased at face value attributable to the tax assessed in subsection (2) of Section 89 of this Act***. The cabinet shall have the power to withhold compensation from any licensed wholesaler for failure to abide by any provisions of KRS 138.130 to 138.205 or any regulations promulgated thereunder. Any refund or credit for unused cigarette tax evidence shall be reduced by the amount allowed as compensation at the time of purchase.

(5) No tax evidence may be affixed, or used in any way, by any person other than the person purchasing ***the***~~[such]~~ evidence from the cabinet. ~~[Such]~~Tax evidence may not be transferred or negotiated, and may not, by any scheme or device, be given, bartered, sold, traded, or loaned to any other person. Unaffixed tax evidence may be returned to the cabinet for credit or refund for any reason satisfactory to the cabinet.

(6) In the event any retailer shall receive into his possession cigarettes to which evidence of Kentucky tax payment is not properly affixed, he shall within twenty-four (24) hours notify the cabinet of such fact. Such notice shall be in writing, and shall give the name of the person from whom such cigarettes were received, and the quantity of such cigarettes, and such written notice may be given to any field agent of the cabinet. The written notice may also be directed to the secretary of revenue, Frankfort, Kentucky. If such notice is given by means of the United States mail, it shall be sent by certified mail. Any such cigarettes shall be retained by such retailer, and not sold, for a period of fifteen (15) days after giving the notice provided in this subsection. The retailer may, at his option, pay the tax due on any such cigarettes according to rules and regulations to be prescribed by the cabinet, and proceed to sell the same after such payment.

(7) Cigarettes stamped with the cigarette tax evidence of another state shall at no time be commingled with cigarettes on which the Kentucky cigarette tax evidence has been affixed, but any licensed wholesaler, licensed sub-jobber, or licensed vending machine operator may hold cigarettes stamped with the tax evidence of another state for any period of time, subsection (2) of this section notwithstanding.

Section 92. KRS 138.165 is amended to read as follows:

(1) It is declared to be the legislative intent of KRS 138.130 to 138.205 that any untax-paid cigarettes held, owned, possessed, or in control of any person other than as provided in KRS 138.130 to 138.205 are contraband and subject to seizure and

forfeiture as set out in this section.

(2) Whenever any peace officer of this state, or any representative of the cabinet, finds any untax-paid cigarettes within the borders of this state in the possession of any person other than a licensee authorized to possess untax-paid cigarettes by the provisions of KRS 138.130 to 138.205, such cigarettes shall be immediately seized and stored in a depository to be selected by the officer or agent. At the time of seizure, the officer or agent shall deliver to the person in whose custody the cigarettes are found a receipt for the cigarettes. The receipt shall state on its face that any inquiry concerning any goods seized shall be directed to the secretary of revenue, Frankfort, Kentucky. Immediately upon seizure, the officer or agent shall notify the secretary of revenue of the nature and quantity of the goods seized. Any seized goods shall be held for a period of twenty (20) days and if after such period no person has claimed the cigarettes as his property, the secretary shall cause the same to be exposed to public sale to any person authorized to purchase untax-paid cigarettes. The sale shall be on notice published pursuant to KRS Chapter 424. All proceeds, less the cost of sale, from the sale shall be paid into the Kentucky State Treasury for general fund purposes.

(3) It is declared to be the legislative intent that any vending machine used for dispensing cigarettes on which Kentucky cigarette tax has not been paid is contraband and subject to seizure and forfeiture. In the event any peace officer or agent of the cabinet finds any vending machine within the borders of this state dispensing untax-paid cigarettes, he shall immediately seize the vending machine and store the same in a safe place selected by him. He shall thereafter proceed as provided in subsection (2) of this section and the secretary of revenue shall cause the vending machine to be sold, and the proceeds applied, as set out in subsection (2) of this section.

(4) No cigarettes, on which the tax imposed by KRS 138.130 to 138.205 has not been paid, shall be transported within this state by any person other than a manufacturer or a person licensed under the provisions of KRS 138.195. It is declared to be the legislative intent that any motor vehicle used to transport any such cigarettes by other persons is contraband and subject to seizure and forfeiture. ***If***~~[In the event]~~ any peace officer or agent of the cabinet finds any such motor vehicle, ***the vehicle shall be seized immediately and stored in a safe place***~~[he shall immediately seize the motor vehicle and store it in a safe place specified by him]~~. ***The peace officer or agent of the department***~~[He]~~ shall thereafter proceed as provided in subsection (2) of this section and the secretary of revenue shall cause the motor vehicle to be sold, and the proceeds applied, as set out in subsection (2) of this section.

(5) The owner or any person having an interest in any goods, machines or vehicles seized as provided under subsections (1) to (4) of this section may apply to the secretary of revenue for remission of the forfeiture for good cause shown. If it is shown to the satisfaction of the Revenue Cabinet that the owner was without fault in the possession, dispensing or transportation of the untax-paid cigarettes, ***the Revenue Cabinet***~~[he]~~ shall remit the forfeiture. ***If the Revenue Cabinet***~~[In the event he]~~ determines that the possession, dispensing or transportation of untax-paid cigarettes was willful or intentional ***the Revenue Cabinet***~~[he]~~ may nevertheless remit the forfeiture on condition that the owner pay a penalty to be prescribed by ***the Revenue Cabinet***~~[him]~~ of not more than fifty percent (50%) of the value of the ***property***~~[thing]~~ forfeited. All taxes due on untax-paid cigarettes shall be paid in addition to the penalty, if any.

(6) Any party aggrieved by an order entered hereunder may appeal to the Kentucky Board of Tax Appeals in the manner provided by law.

Section 93. KRS 138.195 is amended to read as follows:

(1) No person other than a manufacturer shall acquire cigarettes in this state on which the Kentucky cigarette tax has not been paid, nor act as a resident wholesaler, nonresident wholesaler, vending machine operator, sub-jobber, transporter or unclassified acquirer of such cigarettes without first obtaining a license from the cabinet as set out in this section.

(2) Each resident wholesaler shall secure a separate license for each place of business at which cigarette tax evidence is affixed or at which cigarettes on which the Kentucky cigarette tax has not been paid are received. Each nonresident wholesaler shall secure a separate license for each place of business at which evidence of Kentucky cigarette tax is affixed or from where Kentucky cigarette tax is reported and paid. Such a license or licenses shall be secured on or before July 1 of each year, and each licensee shall pay the sum of five hundred dollars ($500) for each such year or portion thereof for which such license is secured.

(3) Each sub-jobber shall secure a separate license for each place of business from which Kentucky tax-paid cigarettes are made available to retailers, whether such place of business is located within or without this state. Such license or licenses shall be secured on or before July 1 of each year, and each licensee shall pay the sum of five hundred dollars ($500) for each such year or portion thereof for which such license is secured.

(4) Each vending machine operator shall secure a license for the privilege of dispensing Kentucky tax-paid cigarettes by vending machines. Such license shall be secured on or before July 1 of each year, and each licensee shall pay the sum of twenty-five dollars ($25) for each year or portion thereof for which such license is secured. No vending machine shall be operated within this Commonwealth without having prominently affixed thereto the name of its operator, together with the license number assigned to such operator by the cabinet. The cabinet shall prescribe by regulation the manner in which the information shall be affixed to the vending machine.

(5) Each transporter shall secure a license for the privilege of transporting cigarettes within this state. Such license shall be secured on or before July 1 of each year, and each licensee shall pay the sum of fifty dollars ($50) for each such year or portion thereof for which such license is secured. No transporter shall transport any cigarettes without having in actual

possession an invoice or bill of lading therefor, showing the name and address of the consignor and consignee, the date acquired by the transporter, the name and address of the transporter, the quantity of cigarettes being transported, together with the license number assigned to such transporter by the cabinet.

(6) Each unclassified acquirer shall secure a license for the privilege of acquiring cigarettes on which the Kentucky cigarette tax has not been paid. Such license shall be secured on or before July 1 of each year, and each licensee shall pay the sum of fifty dollars ($50) for each such year or portion thereof for which such license is secured.

(7) Nothing in KRS 138.130 to 138.205 shall be construed to prevent the cabinet from requiring a person to purchase more than one (1) license if the nature of such person's business is so diversified as to justify such requirement.

(8) The cabinet may by regulation require any person licensed under the provisions of this section to supply such information concerning his business, sales or any privilege exercised, as is deemed reasonably necessary for the regulation of such licensees, and to protect the revenues of the state. Failure on the part of such licensee to comply with the provisions of KRS 138.130 to 138.205 or any regulations promulgated thereunder, or to permit an inspection of premises, machines or vehicles by an authorized agent of the cabinet at any reasonable time shall be grounds for the revocation of any license issued by the cabinet, after due notice and a hearing by the cabinet. The secretary of revenue may assign a time and place for such hearing and may appoint a conferee who shall conduct a hearing, receive evidence and hear arguments. Such conferee shall thereupon file a report with the secretary together with a recommendation as to the revocation of such license. From any revocation made by the secretary of revenue on such report, the licensee may prosecute an appeal to the Kentucky Board of Tax Appeals as provided by law. Any person whose license has been revoked for the willful violation of any provision of KRS 138.130 to 138.205 shall not be entitled to any license provided for in this section, or have any interest in any such license, either disclosed or undisclosed, either as an individual, partnership, corporation or otherwise, for a period of one (1) year after such revocation.

(9) No license issued pursuant to the provisions of this section shall be transferable or negotiable except that a license may be transferred between an individual and a corporation, if that individual is the exclusive owner of that corporation, or between a subsidiary corporation and its parent corporation.

(10) Every manufacturer located or doing business in this state shall keep written records of all shipments of cigarettes*, other tobacco products, or smokeless tobacco products* to persons within this state, and shall submit reports of such shipments as the cabinet may require by regulation.

(11) No person licensed under this section except nonresident wholesalers shall either sell to or purchase from any other such licensee untax-paid cigarettes.

(12) Wholesalers of other tobacco products and smokeless tobacco products shall pay and report the tax levied by subsections (2) and (3) of Section 89 of this Act on or before the twentieth day of the calendar month following the month in which the possession or title of the other tobacco products or smokeless tobacco products are transferred from the wholesaler to retailers or consumers in this state. The Revenue Cabinet shall promulgate administrative regulations setting forth the details of the reporting requirements.

(13) A tax return shall be filed for each reporting period whether or not tax is due.

SECTION 94. A NEW SECTION OF KRS 138.130 TO 138.205 IS CREATED TO READ AS FOLLOWS:

(1) Notwithstanding any other provision of this chapter to the contrary, the president, vice president, secretary, treasurer, or any other person holding any equivalent corporate office of any corporation subject to the provisions of KRS 138.130 to 138.205 shall be personally and individually liable, both jointly and severally, for the taxes imposed under KRS 138.130 to 138.205.

(2) Corporate dissolution, withdrawal of the corporation from the state, or the cessation of holding any corporate office shall not discharge the liability of any person. The personal and individual liability shall apply to every person holding a corporate office at the time the tax becomes or became due.

(3) Notwithstanding any other provision of this chapter, KRS 275.150, or KRS 362.220(2) to the contrary, the managers of a limited liability company and the partners of a registered limited liability partnership or any other person holding any equivalent office of a limited liability company or a registered limited liability partnership subject to the provisions of KRS 138.130 to 138.205 shall be personally and individually liable, both jointly and severally, for the tax imposed under KRS 138.130 to 138.205.

(4) Dissolution, withdrawal of the limited liability company or registered limited liability partnership from the state, or the cessation of holding any office shall not discharge the liability of any person. The personal and individual liability shall apply to every manager of a limited liability company and partner of a registered limited liability partnership at the time the tax becomes or became due.

(5) No person shall be personally and individually liable under this section who had no authority to collect, truthfully account for, or pay over any tax imposed by KRS 138.130 to 138.205 at the time the tax imposed becomes or became due.

(6) "Taxes" as used in this section include interest accrued at the rate provided by KRS 131.183, all applicable penalties imposed under the provisions of this chapter, and all applicable penalties imposed under the provisions of KRS 131.180, 131.410 to 131.445, and 131.990.

Section 95. KRS 248.652 is amended to read as follows:

There is established in the State Treasury a permanent and perpetual fund to be known as the "Agricultural Diversification and Development Fund" to which shall be credited any increase in the cigarette excise tax levied under KRS 138.140*(1)* subsequent to July 15, 1998; gifts; bequests; endowments; grants from the United States government, its agencies and instrumentalities; any funds from the tobacco settlement agreement or related federal legislation for tobacco farmers or tobacco-dependent communities specifically appropriated to this fund by the General Assembly from the fund created in KRS 248.654; and funds received from any other sources, public or private. The fund shall be administered by the Agricultural Diversification and Development Council created under KRS 248.650.

SECTION 96. A NEW SECTION OF KRS CHAPTER 138 IS CREATED TO READ AS FOLLOWS:

As used in Sections 96 to 128 of this Act:

(1) "Air-ground radiotelephone service" means a radio service, as defined in 47 C.F.R. 22.99, in which common carriers are authorized to offer and provide radio telecommunications service for hire to subscribers in aircraft;

(2) "Cabinet" means the Revenue Cabinet;

(3) "Cable service" means the provision of video, audio, or other programming service to purchasers, and the purchaser interaction, if any, required for the selection or use of the video or other programming service, regardless of whether the programming is transmitted over facilities owned or operated by the provider or by one (1) or more other communications service providers. "Cable service" includes but is not limited to basic, extended, premium, and pay-per-view service, and digital or other music service;

(4) "Call-by-call basis" means any method of charging for communications services where the price is measured by individual calls;

(5) "Communications channel" means a physical or virtual path of communications over which signals are transmitted between or among customer channel termination points;

(6) "Communications service" means the provision, transmission, conveyance, or routing, for a consideration, of voice, data, video, or any other information or signals of the purchaser's choosing to a point, or between or among points, specified by the purchaser, by or through any electronic, radio, light, fiber optics, or any other medium or method now in existence or later devised.

(a) "Communications service" includes but is not limited to:

1. Local and long-distance telephone services;

2. Telegraph and teletypewriter services;

3. Postpaid calling services;

4. Private communications services involving a direct channel specifically dedicated to a customer's use between specific points;

5. Channel services involving a path of communications between two (2) or more points;

6. Data transport services involving the movement of encoded information between points by means of any electronic, radio, or other medium or method;

7. Caller ID services, voice mail, and other electronic messaging services;

8. Internet telephony involving telephone service in which messages originate or terminate over the public switched telephone network but are transmitted entirely or in part using transmission control protocol, Internet protocol, or other similar means;

9. Mobile telecommunications service, as provided in 4 U.S.C. sec. 124(7); and

10. Cable service and satellite broadcast and wireless cable service.

(b) "Communications service" does not include any of the following, if the charges are separately itemized on the bill provided to the purchaser:

1. Information services;

2. Internet access;

3. Installation, reinstallation, or maintenance of wiring or equipment on a customer's premises; however, this provision does not apply to any charge attributable to the connection, movement, change, or termination of a communications service;

4. The sale of directory and other advertising and listing services;

5. Prepaid calling services;

6. Billing and collection services provided to another communications service provider; or

7. The sale of a communications service to a communications provider that is buying the communications service for sale or incorporation into a communications service for sale, including carrier access charges, excluding user access fees; right of access charges; interconnection charges paid by the provider of mobile telecommunications services or other communications provider; charges paid by *cable service providers for transmission of video or other programming by another provider over facilities owned or operated by the other provider; charges for the sale of unbundled network elements as defined in 47 U.S.C. sec. 153(29) on January 1, 2001, to which access is provided on an unbundled basis in accordance with 47 U.S.C. sec. 251(c)(3); and charges for use of facilities for providing or receiving communications service;*

(7) "Customer" means the person or entity that contracts with the seller of communications services. If the end user of communications services is not the contracting party, the end user of the communications service is the customer of the communications service, but only as it applies to the sourcing of the sale of communications services as provided in Section 132 of this Act. "Customer" does not include a reseller of communications service or a serving carrier providing mobile telecommunications service under an agreement to serve the customer outside the home service provider's licensed service area;

(8) "Customer channel termination point" means the location where the customer or other purchaser either inputs or receives communications;

(9) "End user" means the person who utilized the communications service. In the case of an entity, "end user" means the individual who used the service on behalf of the entity;

(10) "Engaged in business" means:

- *(a) Having any employee, representative, agent, salesman, canvasser, or solicitor operating in this state, under the authority of the provider, its subsidiary, or related entity, for the purpose of taking orders;*
- *(b) Having real or tangible personal property in this state;*
- *(c) Providing communications service by or through customer's facilities located in this state; or*
- *(d) Being required under KRS Chapter 139 to register for a sales and use tax account;*

(11) "Home service provider" means the same as provided in 4 U.S.C. sec. 124(5);

(12) "In this state" or "in the state" means within the exterior limits of the Commonwealth of Kentucky and includes all territory within these limits owned by or ceded to the United States of America;

(13) "Person" means and includes any individual, firm, corporation, joint venture, association, social club, fraternal organization, general partnership, limited partnership, limited liability partnership, limited liability company, nonprofit entity, estate, trust, business trust, receiver, trustee, syndicate, cooperative, assignee, governmental unit or agency, or any other group or combination acting as a unit;

(14) "Place of primary use" means the street address where the customer's or other purchaser's use of the communications service primarily occurs, and that is the residential street address or the primary business street address of the customer or other purchaser. In the case of mobile telecommunications service, "place of primary use" shall be within the licensed service area of the home service provider;

(15) "Political subdivision" means a city, county, urban-county government, consolidated local government, or charter county government;

(16) "Postpaid calling service" means a communications service obtained by making a payment on a call-by-call basis, either through the use of a credit card or payment mechanism such as a bank card, travel card, or debit card, or by charge made to a telephone number not associated with the origination or termination of the communications service. A postpaid calling service includes a communications service that would be a prepaid service except that it is not exclusively a communications service;

(17) "Prepaid calling service" means the right to access exclusively communications services, which are paid for in advance and which enable the origination of calls using an access number or authorization code, whether manually or electronically dialed, and that is sold in predetermined units or dollars of which the number declines with use in a known amount;

(18) "Private communications service" means a communications service that entitles the customer or other purchaser to exclusive or priority use of a communications channel or group of channels between or among termination points, regardless of the manner in which the channel or channels are connected, and includes switching capacity, extension lines, stations, and any other associated services that are provided in connection with the use of a channel or channels;

(19) "Provider" means any person engaged in the business of selling communications service;

(20) "Purchaser" means the person paying for communications service;

(21) "Resale" means the purchase of a communications service by a provider required to collect the tax levied by Section 97 of this Act for sale or incorporation into a communications service for sale, including but not limited to:

- *(a) Carrier access charges;*
- *(b) Right of access charges;*
- *(c) Interconnection charges paid by the provider of mobile communications service or other communications services;*
- *(d) Charges paid by cable service providers for transmission of video or other programming by another provider*

over facilities owned or operated by the other provider;

(e) Charges for the sale of unbundled network elements as defined in 47 U.S.C. sec. 153(29) on January 1, 2000, to which access is provided on an unbundled basis in accordance with 47 U.S.C. sec. 251(c)(3);

(f) Any other charges for the use of facilities for providing or receiving communications services; and

(g) Charges for the sale of communications services utilized in providing prepaid calling service.

(22) "Retail purchase" means any purchase of a communications service for any purpose other than resale;

(23) "Sale" means the furnishing of a communications service for consideration;

(24) (a) "Sales price" means the total amount billed by or on behalf of a provider for the sale of communications service in this state valued in money, whether paid in money or otherwise, without any deduction on account of the following:

1. Any charge attributable to the connection, movement, change, or termination of a communications service;

2. Any charge for detail billing; or

3. Any charge for bundled transactions, where goods and services are sold as a single package for one (1) price;

(b) "Sales price" does not include any of the following:

1. Charges for installation, reinstallation, or maintenance of wiring or equipment on a customer's premises;

2. Charges for the sale or rental of tangible personal property;

3. Charges for the sale of directory and other advertising and listings;

4. Charges for billing and collection services provided to another communications service provider;

5. Bad check charges;

6. Late payment charges; or

7. Any excise tax, sales tax, or similar tax, fee, or assessment levied by the United States or any state or local political subdivision, including but not limited to emergency telephone surcharges, upon the purchase, sale, use, or consumption of any communications service, that is permitted or required to be added to the purchase price of the communications service;

(25) "Satellite broadcast and wireless cable service" means point-to-point or point-to-multipoint distribution services that include, but are not limited to, direct broadcast satellite service and multichannel multipoint distribution services, with programming or voice transmitted or broadcast by satellite, microwave, or any other equipment directly to the purchaser's premise. "Satellite broadcast and wireless cable service" includes basic, extended, and premium service; pay-per-view service; digital or other music service; and two (2) way service;

(26) "Service address" means the location of communications equipment to which a customer's or other purchaser's call is charged and from which the call originates or terminates, regardless of where the call is billed or paid. If the location of the communications equipment is not known, "service address" means the origination point of the signal of the communications services first identified by either the seller's communications system or in information received by the seller from its service provider, where the system used to transport the signals is not that of the seller. If the location cannot be determined, "service address" means the location of the customer's or other purchaser's place of primary use;

(27) "School district" means a school district as defined in KRS 160.010 and 160.020; and

(28) "Special district" means a special district as defined in KRS 65.005(1)(a) that currently levies on any provider or its customers the public service corporation property tax under Section 130 of this Act.

SECTION 97. A NEW SECTION OF KRS CHAPTER 138 IS CREATED TO READ AS FOLLOWS:

(1) A communications excise tax is hereby imposed on the retail purchase of:

(a) Communications service, excluding mobile telecommunications service, that is charged to a service address in this state, regardless of where those amounts are billed or paid, when the communications service:

1. Originates and terminates in this state;

2. Originates in this state; or

3. Terminates in this state; and

(b) Mobile telecommunications service when provided to a purchaser whose place of primary use is in this state.

(2) The communications excise tax rate shall be seven and sixty-two hundredths percent (7.62%) of the sales price charged for communications service that is billed on or after January 1, 2005.

SECTION 98. A NEW SECTION OF KRS CHAPTER 138 IS CREATED TO READ AS FOLLOWS:

(1) The tax imposed by Section 97 of this Act shall be collected by every provider engaged in business in this state from the

purchaser. The provider shall give the purchaser a receipt for the tax collected. The provider shall separately state the tax billed from all other charges on the receipt.

(2) Every purchaser is liable for the tax imposed by Section 97 of this Act. The liability is not extinguished until the tax has been paid to this state, except that a receipt from a provider registered under Section 103 of this Act reflecting that the provider has billed the tax, with evidence that the purchaser has paid the tax, is sufficient to relieve the purchaser from further liability for the tax to which the receipt refers.

SECTION 99. A NEW SECTION OF KRS CHAPTER 138 IS CREATED TO READ AS FOLLOWS:

There are excluded from the tax imposed by Section 97 of this Act:

(1) Communications services the purchase of which is prohibited from taxation under the Constitution or laws of the United States;

(2) Communications services provided to any cabinet, department, bureau, commission, board, or other statutory or constitutional agency of the state, and communications services provided to counties, cities, schools, or special districts as defined in KRS 65.005. This exemption shall apply only to purchases for use solely in the governmental function. A purchaser not qualifying as a governmental agency or unit shall not be entitled to the exemption even though the purchaser may be the recipient of public funds or grants; and

(3) Communications services sold to resident, nonprofit educational, charitable, and religious institutions which have qualified for exemption from income taxation under Section 501(c)(3) of the Internal Revenue Code, provided that the service is to be used solely within the educational, charitable, or religious function of the institution.

SECTION 100. A NEW SECTION OF KRS CHAPTER 138 IS CREATED TO READ AS FOLLOWS:

Retailers shall source communications services as follows:

(1) A sale of mobile telecommunications services, other than air-ground radiotelephone service and prepaid calling service, shall be sourced to the customer's or other purchaser's place of primary use.

(2) A sale of postpaid calling service shall be sourced to the origination point of the telecommunications signal as first identified by either the retailer's telecommunications system or information received by the retailer from its service provider, where the system used to transport the signals is not that of the retailer.

(3) A sale of private communications service shall be sourced as follows:

(a) Service for a separate charge related to a customer channel termination point shall be sourced to each level of jurisdiction in which the customer channel termination point is located.

(b) Service where all customer termination points are located entirely within one (1) jurisdiction or levels of jurisdiction is sourced in the jurisdiction in which the customer channel termination points are located.

(c) Service for segments of a channel between two (2) customer channel termination points located in different jurisdictions and which segments of channel are separately charged shall be sourced fifty percent (50%) in each level of jurisdiction in which the customer channel termination points are located.

(d) Service for segments of a channel located in more than one (1) jurisdiction or levels of jurisdiction and which segments are separately billed shall be sourced in each jurisdiction based on the percentage determined by dividing the number of customer channel termination points in the jurisdiction by the total number of customer channel termination points.

(4) A sale of other communications services sold on a basis other than a call-by-call basis shall be sourced to the customer's or other purchaser's place of primary use.

SECTION 101. A NEW SECTION OF KRS CHAPTER 138 IS CREATED TO READ AS FOLLOWS:

As it relates to the taxation under Sections 96 to 128 of this Act of mobile telecommunications services as defined in 4 U.S.C. sec. 124:

(1) The provisions of 4 U.S.C. secs. 116 to 126 apply.

(2) If a customer believes that a tax, charge, fee, or assignment of place of primary use or taxing jurisdiction on a bill is incorrect, the customer shall notify the home service provider about the alleged error, in writing. This notification shall include the street address for the customer's place of primary use, the account name and number for which the customer seeks a correction, a description of the alleged error, and any other information that the home service provider reasonably requires. Within sixty (60) days of receiving the customer's notification, the home service provider shall either correct the error and refund or credit all taxes, charges, and fees incorrectly charged to the customer within four (4) years of the customer's notification, or explain to the customer in writing how the bill was correct and why a refund or credit will not be made.

(3) A customer shall not have a cause of action against a home service provider for any erroneously collected taxes, charges, or fees until the customer has exhausted the procedure set forth in subsection (2) of this section.

SECTION 102. A NEW SECTION OF KRS CHAPTER 138 IS CREATED TO READ AS FOLLOWS:

The tax or any part thereof required by Section 98 of this Act to be collected by the communications service provider from the purchaser shall:

(1) Be deemed to be held in trust by the provider for and on account of the Commonwealth of Kentucky; and

(2) Constitute a debt owed by the provider to this state.

SECTION 103. A NEW SECTION OF KRS CHAPTER 138 IS CREATED TO READ AS FOLLOWS:

A provider is authorized to take as a deduction from the tax due under Section 97 of this Act the amount of communications excise tax paid in a prior reporting period on any debt or account receivable arising from the sale of communications service that has become worthless and charged off for income tax purposes. If any charged-off communications excise tax is thereafter in whole or in part collected by the provider, the amount so collected shall be included in the first return filed after collection.

SECTION 104. A NEW SECTION OF KRS CHAPTER 138 IS CREATED TO READ AS FOLLOWS:

Every communications service provider required by Section 98 of this Act to collect the tax imposed on the sale of communications service shall file an application for a certificate of registration with the cabinet. The application shall be in the form prescribed by the cabinet. The application shall be signed by the owner if a natural person; in the case of an association or partnership, by a member or partner; and in the case of a corporation, by an executive officer or some person specifically authorized by the corporation to sign the application.

SECTION 105. A NEW SECTION OF KRS CHAPTER 138 IS CREATED TO READ AS FOLLOWS:

The taxes required to be collected by Section 98 of this Act are due and payable to the cabinet monthly and shall be remitted on or before the twentieth day of the next succeeding calendar month.

SECTION 106. A NEW SECTION OF KRS CHAPTER 138 IS CREATED TO READ AS FOLLOWS:

To prevent actual multistate taxation of a communications service subject to taxation under Section 97 of this Act, any provider or purchaser, upon proof that the provider or purchaser has paid a tax in another state on the same communications service, shall be allowed a credit against the tax imposed by Section 104 of this Act to the extent of the amount of the tax legally paid in the other state.

SECTION 107. A NEW SECTION OF KRS CHAPTER 138 IS CREATED TO READ AS FOLLOWS:

(1) On or before the twentieth day of each month, a return for the preceding month shall be filed with the cabinet in the form prescribed by the cabinet, together with payment of any tax due.

(2) A return shall be filed by every provider engaged in business in this state. The return shall be signed by the person required to file the return or a duly authorized agent.

(3) In the case of a return filed by a provider, the return shall show the amount billed for communications services by the provider during the reporting period. The return shall also show the amount of taxes billed during the period covered by the return and other information as the cabinet deems necessary for the proper administration of Sections 96 to 128 of this Act.

(4) The person required to file the return shall deliver the return, together with a remittance of the amount of tax due, to the cabinet.

(5) For the purpose of facilitating the administration, payment, or collection of the taxes levied under Sections 96 to 128 of this Act, the cabinet may permit or require returns to be filed or tax payments to be made other than as specifically required by the provisions of this section.

(6) In the case of a return filed by a purchaser, the return shall show the total amount paid for communications service that became subject to tax during the reporting period.

SECTION 108. A NEW SECTION OF KRS CHAPTER 138 IS CREATED TO READ AS FOLLOWS:

To reimburse the provider for the cost of collecting and remitting the tax, the provider shall deduct on each return one and three-fourths percent (1.75%) of the first one thousand dollars ($1,000) of tax due and one percent (1%) of the tax due in excess of one thousand dollars ($1,000), provided that the total reimbursement claimed per taxpayer in any month shall not exceed one thousand five hundred dollars ($1,500), if the amount due is not delinquent at the time of payment. This section does not apply to purchasers who report the tax directly to the cabinet under Section 107 of this Act.

SECTION 109. A NEW SECTION OF KRS CHAPTER 138 IS CREATED TO READ AS FOLLOWS:

(1) The cabinet shall, upon written request received on or prior to the due date of the return or tax, for good cause satisfactory to the cabinet, extend the time for filing the return or paying the tax for a period not to exceed thirty (30) days.

(2) Any person for which the extension is granted shall pay, in addition to the tax, interest at the tax interest rate as defined in KRS 131.010(6) from the date on which the tax would otherwise have been due.

SECTION 110. A NEW SECTION OF KRS CHAPTER 138 IS CREATED TO READ AS FOLLOWS:

(1) As soon as practicable after each return is received, the cabinet shall examine it. If the amount of tax computed by the cabinet is greater than the amount returned by the taxpayer, the excess shall be assessed by the cabinet within four (4) years from the later of the date the return was filed or due, except that in the case of a failure to file a return or a fraudulent return, the excess may be assessed at any time. A notice of assessment shall be mailed to the provider. The provider and the cabinet may agree to extend this time period.

(2) Any provider aggrieved by any action of the cabinet may request a review and shall have the rights of appeal as set forth in KRS Chapter 131.

SECTION 111. A NEW SECTION OF KRS CHAPTER 138 IS CREATED TO READ AS FOLLOWS:

In making a determination of tax liability under Section 97 of this Act, the cabinet may offset overpayments for a period or periods, together with interest on the overpayments, against underpayments for another period or periods, against penalties, and against the interest on the underpayments.

SECTION 112. A NEW SECTION OF KRS CHAPTER 138 IS CREATED TO READ AS FOLLOWS:

(1) Every provider and purchaser shall keep records, receipts, invoices, and other pertinent papers in a form required by the cabinet.

(2) Every provider and purchaser who files the returns required under Section 107 of this Act shall keep records for not less than four (4) years from the making of the records unless the cabinet in writing authorizes their destruction at an earlier date.

SECTION 113. A NEW SECTION OF KRS CHAPTER 138 IS CREATED TO READ AS FOLLOWS:

In every case, any tax due under Section 97 of this Act that is not paid on or before the due date shall bear interest at the tax interest rate as defined in KRS 131.010(6) from the date due until the date of payment.

SECTION 114. A NEW SECTION OF KRS CHAPTER 138 IS CREATED TO READ AS FOLLOWS:

(1) The taxes paid under Section 97 of this Act shall be refunded or credited in the manner provided in KRS 134.580.

(2) A claim for refund or credit shall be made on a form prescribed by the cabinet and shall contain all information required by the cabinet.

(3) No provider shall be entitled to a refund or credit of the taxes paid under Section 97 of this Act where the taxes have been collected from a purchaser, unless the amount of taxes collected from the purchaser are refunded to the purchaser by the provider who paid the taxes to the State Treasury.

SECTION 115. A NEW SECTION OF KRS CHAPTER 138 IS CREATED TO READ AS FOLLOWS:

The cabinet shall administer the provisions of Sections 96 to 128 of this Act and shall have all of the powers, rights, duties, and authority with respect to the assessment, collection, refunding, and administration of the taxes levied by this chapter, conferred generally upon the cabinet by the Kentucky Revised Statutes, including KRS Chapters 131, 134, and 135.

SECTION 116. A NEW SECTION OF KRS CHAPTER 138 IS CREATED TO READ AS FOLLOWS:

(1) Whenever it is deemed necessary to ensure compliance with Sections 96 to 128 of this Act, the cabinet may require any person required to collect the taxes imposed by Section 97 of this Act to place security with the cabinet. The amount of the security shall be fixed by the cabinet, but shall not be greater than three (3) times the estimated average monthly liability of the provider. This limitation shall apply regardless of the type of security placed with the cabinet.

(2) The amount of the security may be increased or decreased by the cabinet subject to the limitations provided in subsection (1) of this section.

(3) If necessary, the cabinet may sell the security at public auction to recover any tax, interest, or penalty due. However, security in the form of a bearer bond issued by the United States or any state or local governmental unit that has a prevailing market price may be sold by the cabinet at a private sale at a price not lower than the prevailing market price.

(4) The cabinet shall provide notice of the date, time, and place of the sale to the person who placed the security with the cabinet. Notice shall be sent by certified mail to the person's last known address, as reflected in the records of the cabinet, or delivered to the person.

(5) As used in this section, "delivery" or "delivered to" means mailing the notice to the person to whom it is addressed, leaving it at his or her place of business with the person in charge of the place of business, or, if there is no one in charge, leaving it in a conspicuous place at the place of business. If the place of business is closed or the person to be served has no place of business, delivery includes:

(a) Leaving it at the person's home with some person of suitable age and discretion residing in the home;

(b) Serving it upon the person's agent for service process; or

(c) Any other method permitted by the Kentucky Revised Statutes.

(6) Notice by certified mail shall be postmarked no later than ten (10) days prior to the sale.

(7) Any surplus above the amounts due to the cabinet after the sale shall be returned to the person who placed the security.

SECTION 117. A NEW SECTION OF KRS CHAPTER 138 IS CREATED TO READ AS FOLLOWS:

(1) Notwithstanding any other provision of law to the contrary, the president, vice president, secretary, treasurer, or any other person holding any equivalent corporate office of any corporation subject to the provisions of Sections 96 to 128 of this Act shall be personally and individually liable, both jointly and severally, for the taxes imposed under Section 97 of this Act. Neither the corporate dissolution or withdrawal of the corporation from the state nor the cessation of holding any corporate office shall discharge the foregoing liability of any person. The personal and individual liability

shall apply to each and every person holding the corporate office at the time the taxes become or became due. No person shall be personally and individually liable under this subsection if that person did not have authority to collect, account for, or pay over the tax at the time that the taxes imposed by Sections 97 of this Act become or became due.

(2) Notwithstanding KRS 275.150, 362.220(2), or any other provision of law to the contrary, the managers of a limited liability company and the partners of a registered limited liability partnership or any other person holding any equivalent office of a limited liability company or a registered limited liability partnership subject to the provisions of Sections 96 to 128 of this Act shall be personally and individually liable, both jointly and severally, for the taxes imposed under Section 97 of this Act. Neither the dissolution or withdrawal of the limited liability company or registered limited liability partnership from the state nor the cessation of holding any office shall discharge the foregoing liability of any person. The personal and individual liability shall apply to each and every manager of a limited liability company and partner of a registered limited liability partnership at the time the taxes become or became due. No person shall be personally and individually liable under this subsection, if that person had no authority to collect, account for, or pay over the tax at the time that the taxes imposed by Section 97 of this Act become or became due.

(3) "Taxes," as used in this section, shall include interest accrued at the rate provided by KRS 131.183 and all applicable penalties and fees imposed under this chapter and under KRS 131.180, 131.410 to 131.445, and 131.990.

SECTION 118. A NEW SECTION OF KRS CHAPTER 138 IS CREATED TO READ AS FOLLOWS:

No suit shall be maintained in any court to restrain or delay the collection or payment of the tax levied by Section 97 of this Act.

SECTION 119. A NEW SECTION OF KRS CHAPTER 138 IS CREATED TO READ AS FOLLOWS:

Any provider subject to the communications excise tax imposed by Section 97 of this Act that fails to file a return as required by Section 107 of this Act or fails to pay the tax as listed on the return shall not maintain an action, suit, or proceeding in any court or before any agency in this state or enforce in any way any obligation of any debt until the return is filed and the tax listed on the return is paid. This provision does not prohibit a provider from the rights afforded by KRS Chapter 131.

SECTION 120. A NEW SECTION OF KRS CHAPTER 138 IS CREATED TO READ AS FOLLOWS:

Penalties under Sections 96 to 128 of this Act shall be imposed and assessed in accordance with KRS 131.180.

SECTION 121. A NEW SECTION OF KRS CHAPTER 138 IS CREATED TO READ AS FOLLOWS:

(1) There is established in the State Treasury a communications excise tax fund. The fund shall be held and administered by the Finance and Administration Cabinet. The cabinet shall invest money in the fund in the same manner as money in the state general fund.

(2) There is established in the State Treasury a state baseline and local growth fund. The fund shall be held and administered by the Finance and Administration Cabinet. The cabinet shall invest money in the fund in the same manner as money in the state general fund.

(3) All revenue from the tax imposed under Section 97 of this Act, including all penalties and interest attributable to the nonpayment of the tax or for noncompliance with the provisions of Sections 96 to 128 of this Act, shall be deposited into the communications excise tax fund.

(4) All money in the communications excise tax fund designated for distribution to political subdivisions under Sections 121 to 125 of this Act shall be considered a part of the local tax effort and an inviolate trust on behalf of the political subdivisions and shall not be withheld or reduced by the General Assembly or any state agency for any reason, except for adjustments provided for within Sections 96 to 128 of this Act.

(5) All amounts distributed to political subdivisions from the communications excise tax shall be used solely and exclusively for the provision of services to the general public, including public protection, health services, education, libraries, transportation services, and economic development. No amount shall be used for purely local purposes affecting only the inhabitants of the particular political subdivision, such as the administration of local government. Neither the General Assembly nor any state agency shall mandate how the funds are to be used.

SECTION 122. A NEW SECTION OF KRS CHAPTER 138 IS CREATED TO READ AS FOLLOWS:

(1) Every political subdivision, school district, and special district identified in subsection (28) of Section 96 of this Act shall participate in the communications excise tax fund and the state baseline and local growth fund. On or before December 1, 2004, each political subdivision, school district, special district, and sheriff's department shall certify to the cabinet on a prescribed form the amount of collections it received from the taxes authorized under the intangible portion of Section 131 of this Act and local franchise fees collected from communications service providers or their customers during the period between July 1, 2003, and June 30, 2004. By certifying its participation under this subsection, each political subdivision, school district, special district, and sheriff's department:

(a) Consents to the hearing process provided in Section 126 of this Act; and

(b) Agrees to relinquish its right to enforce any contract or agreement that requires the payment of a franchise fee or tax on communications services, regardless of whether the tax or fee is imposed on the provider or its customers.

(2) The monthly portion of the communications excise tax fund shall be computed as follows:

(a) Each political subdivision, school district and special district shall be assigned a percentage based on the amount of its collections certified under subsection (1) of this section as a ratio of the total certified amount of collections of all parties participating in the fund. This percentage shall be known as the "local historical percentage". The portion of the sheriff departments' certified collections identified in subsection (1) of this section attributed to the intangible portion of Section 130 of this Act imposed by county governments shall be added to each county's reported collections to determine its local historical percentage;

(b) The sheriff departments' collections certified under subsection (1) of this section, less the amount added to the county governments' collections as required in subsection (2)(a) of this section, shall be the sheriff departments' fixed hold harmless amount;

(c) Three million, two hundred seventy-five thousand dollars ($3,275,000), which represents one-twelfth (1/12) of the total potential collections, shall be designated as the "monthly hold-harmless amount"; and

(d) Each political subdivision's school district's and special district's local historical percentage shall be multiplied by the monthly hold-harmless amount to determine its monthly distribution from the fund.

(3) If in the period between June 30, 2004, and December 31, 2004, any political subdivision had a substantial change in its base revenue by enacting or modifying the rate of a local franchise fee prior to June 30, 2004, the political subdivision may request the cabinet to determine its certified collection amount.

(4) If any political subdivision, school district, special district, or sheriff's department believes that the data used to determine its certified amount of collections is inaccurate, the political subdivision, school district, special district, or sheriff's department may request a redetermination by the Communications Excise Tax Distribution Fund Oversight Committee established by Section 126 of this Act. A redetermination shall be effective prospectively beginning with the next distribution cycle occurring ninety (90) days after the matter is finally settled.

SECTION 123. A NEW SECTION OF KRS CHAPTER 138 IS CREATED TO READ AS FOLLOWS:

Money in the communications excise tax fund shall be credited monthly as follows:

(1) One-third of one percent (1/3%) shall be deposited in a trust and agency account created by the State Treasury to be used by the cabinet for administration costs associated with the implementation, collection, and distribution of the tax imposed by Section 97 of this Act.

(2) After the expenditure required under subsection (1) of this section, the cabinet shall distribute an amount to each political subdivision, school district and special district as calculated under Section 122 of this Act. In addition, the cabinet shall distribute one-twelfth (1/12) of the sheriff department's fixed hold harmless amount as defined in subsection (2)(b) of Section 122 of this Act. For tax collections received in January and February of 2005, the cabinet shall make the distribution by April 25, 2005. For all other periods, the cabinet shall make distribution by the twenty-fifth day of the next calendar month following the tax receipts.

(3) After the distribution required by subsection (2) of this section, the cabinet shall deposit one million, five hundred seventy thousand dollars ($1,570,000) in the state general fund. This amount shall be adjusted on a prospective basis after the collection of the first twelve (12) months of communications excise tax receipts to equal the average monthly tax receipts attributable to the provision of satellite broadcast and wireless cable services. The amount shall then become the fixed amount distributed to the general fund.

(4) Money remaining in the communications excise tax fund after the distribution required by subsection (3) of this section shall be transferred to the state baseline and local growth fund established in Section 121 of this Act.

SECTION 124. A NEW SECTION OF KRS CHAPTER 138 IS CREATED TO READ AS FOLLOWS:

(1) By or before December 1, 2004, and every January 31 thereafter, each participating political subdivision shall certify to the cabinet its total tax receipts for the prior fiscal year. This amount shall be used to calculate the percentage of each political subdivision's portion of the account labeled under its county's name within the state baseline and local growth fund as described in subsection (3)(b) of this section. "Total tax receipts" shall not include revenue from nontax sources, such as intergovernmental revenues, charges for services, tuition, interfund transfers, interest and investment income, rental income, income from asset sales, beginning balances, or revenue from licenses and permits. "Total tax receipts" shall include the following:

(a) Real estate and tangible personal property taxes, including delinquent tax receipts;

(b) Franchise fees or taxes on utilities, other than communications service utilities;

(c) Occupational and business license fees or taxes, including insurance premium taxes, net profits taxes, payroll taxes, transient room taxes, restaurant taxes, and bank deposit taxes;

(d) Telephone emergency surcharge fees;

(e) Communications excise tax hold harmless and growth fund receipts; and

(f) Payments in lieu of taxes.

(2) By or before every January 31, each participating school district and special district shall certify to the cabinet the amount of its prior year tax assessments on companies principally engaged in the provision of communications

services under KRS Chapter 132. This amount shall be used to calculate the percentage of each school district's and special district's portion of the account labeled under its county's name within the state baseline and local growth fund as described in subsection (3)(b) of this section. For tax years with no assessments under KRS Chapter 132, the local historical percentage as defined in Section 122 of this Act shall be used.

(3) Each political subdivision's, school district's, and special district's monthly portion of the state baseline and local growth fund shall be computed as follows:

(a) A "local growth portion" shall be determined as an amount of money that when added to the hold-harmless amount identified in paragraph (c) of subsection (2) of Section 122 of this Act equals fifteen and six-tenths percent (15.6%) of the total amount deposited in the communications excise tax fund, minus the amount of distributions made under subsections (1) and (3) of Section 123 of this Act.

(b) The local growth portion shall be accounted for by county within the state baseline and local growth fund based on the ratio of the communications excise tax collected on communications services provided in each county to the total statewide collections of the communications excise tax. The county by-county allotment of the local growth portion shall be known as the "county growth portion."

(c) The county growth portion shall be further segregated into the political subdivision allotment, the school district allotment, and the special district allotment based upon the ratio of each allotment category's total historical collections as calculated under subsection (2) of Section 122 of this Act to the total overall county historical collections as calculated from the certified collections under subsection (1) of Section 122 of this Act.

(d) Beginning on or before April 25, 2005, each political subdivision's share of the political subdivision allotment shall be determined by multiplying the political subdivision allotment of the local growth portion as determined in paragraph (b) of this subsection by the percentage calculated in subsection (1) of this section.

(e) Beginning on or before April 25, 2005, each school district's share of the school district allotment shall be determined by multiplying the school district allotment as determined in paragraph (c) of this subsection by the percentage calculated in subsection (2) of this section.

(f) Beginning on or before April 25, 2005, each special district's share of the special district allotment shall be determined by multiplying the special district allotment as determined in paragraph (c) of this subsection by the percentage calculated in subsection (2) of this section.

(g) The respective allotment share for each participating political subdivision, school district, and special district shall be adjusted every July 1 following the year 2005, to account for any change in its percentages based on annual certifications required in subsections (1) and (2) of this section.

(h) Notwithstanding the annual certifications required in subsection (1) of this section, following the year 2005 political subdivisions may choose to determine their respective shares of the political subdivision allotment pursuant to an interlocal agreement as authorized under KRS 65.240. Activation or termination of an interlocal agreement must comply with the notification requirements of subsection (1) of this section and shall become effective the following July 1. The terms of a timely interlocal agreement governing the distribution of a political subdivision allotment shall remain in effect until its timely termination by one of the participating political subdivisions.

SECTION 125. A NEW SECTION OF KRS CHAPTER 138 IS CREATED TO READ AS FOLLOWS:

All money deposited in the state baseline and local growth distribution fund shall be distributed monthly, according to the same schedule for distribution from the communications excise tax fund, as follows:

(1) The county growth portion shall be distributed in accordance with the formulas established in Section 124 of this Act.

(2) After the distribution required under subsection (1) of this section, the remaining balance shall be deposited in the general fund. This amount shall be known as the "state baseline portion," which shall represent, if sufficient funds are available, eighty-four and four-tenths percent (84.4%) of the total amount deposited in the communications excise tax fund, minus the amount of distributions made under subsections (1) and (3) of Section 123 of this Act.

(3) Notwithstanding prior formulas for distribution, the state and political subdivisions, school districts, special districts, and sheriff departments shall share proportionately in any reduction in communications excise tax receipts due to federal legislation extending the Internet Tax Freedom Act.

SECTION 126. A NEW SECTION OF KRS CHAPTER 138 IS CREATED TO READ AS FOLLOWS:

(1) The Communications Excise Tax Local Distribution Fund Oversight Committee is hereby created and administratively attached to and staffed by the cabinet. The oversight committee shall consist of nine (9) members appointed by the Governor and shall be representative of local government and state government officials. The Governor shall receive recommendations for four (4) members each from the Kentucky Association of Counties and the Kentucky League of Cities from which the Governor shall select two (2) members each. The Governor shall receive recommendations for two (2) members each from the Kentucky School Board Association, the Kentucky Superintendents Association, and the Kentucky School Administrators Association from which the Governor shall select one (1) member each. One (1) member shall be appointed by the Governor to represent the interests of special districts other than school districts. The remaining member shall be the commissioner of the Department of Local Government, who shall serve as chairperson

of the oversight committee . The members shall serve for a term of three (3) years. Five (5) members of the oversight committee shall constitute a quorum. A member may be removed for cause in accordance with procedures established by the oversight committee and shall serve without salary but shall be reimbursed for expenses in the same manner as state employees. Any vacancy occurring on the oversight committee shall be filled by the Governor for the unexpired term.

(2) The duties of the Communications Excise Tax Local Distribution Fund Oversight Committee shall be:

(a) Monitoring the cabinet's implementation and distribution of funds from the communications excise tax fund and the state baseline and local growth fund and reporting its findings to the secretary of the cabinet; and

(b) Acting as a finder of fact for the secretary of the cabinet in disputes in and between political subdivisions, school districts, special districts, and sheriff departments, and between political subdivisions, school districts, special districts, and sheriff departments, and the cabinet regarding the implementation and distribution of funds from the communications excise tax fund and the state baseline and local growth fund.

(3) The cabinet shall provide the oversight committee with an annual report reflecting the amounts distributed to each participating political subdivision, school district, special district or sheriff department.

(4) Any political subdivision, school district, special district or sheriff department may file a complaint with the oversight committee on a form prescribed by the committee. The oversight committee shall give notice to any political subdivision, school district, special district or sheriff department that may be affected by the complaint. Any political subdivision, school district, special district or sheriff department intending to respond to the complaint shall do so in writing within thirty (30) days of notice of the complaint.

(5) In conducting its business:

(a) The oversight committee shall give due notice of the times and places of its hearings;

(b) The parties shall be entitled to be heard, to present evidence, and to examine and cross-examine witnesses;

(c) The oversight committee shall act by majority vote;

(d) The oversight committee shall adopt and publish rules of procedure and practice regarding its hearings; and

(e) The oversight committee shall make recommendations to the secretary.

(6) The secretary of the cabinet shall review the findings of the oversight committee and issue a final ruling within sixty (60) days of receipt of the recommendations.

(7) The parties in the dispute shall have the rights and duties to appeal any final ruling to the Kentucky Board of Tax Appeals and the courts under KRS 131.340.

(8) Nothing contained in this section shall prevent at any time a written compromise of any matter or matters in dispute, if otherwise lawful, by the parties to the hearing process.

SECTION 127. A NEW SECTION OF KRS CHAPTER 138 IS CREATED TO READ AS FOLLOWS:

(1) Except as provided in subsection (3) of this section, to the extent legally permissible, every political subdivision of this state shall be prohibited from the following:

(a) Levying any franchise fee or tax on communications service, or collecting any franchise fee or tax from providers or purchasers of communications service;

(b) Requiring any provider, including but not limited to cable service providers, to enter into or extend the term of a franchise or other agreement that requires the payment of a franchise fee or tax; or

(c) Enforcing any provision of any ordinance or agreement to the extent that the provision obligates a provider to pay to the political subdivision a franchise fee or tax.

(2) For purposes of this section, "franchise fee or tax" means any tax, charge, fee, or in-kind payment of property or services that is required by ordinance or agreement to be paid or furnished to a political subdivision by or through a provider, in its capacity as a provider, regardless of whether the tax, charge, fee, or in-kind payment of property or services is:

(a) Designated as a franchise fee, sales tax, excise tax, user fee, occupancy fee, subscriber charge, license fee, or otherwise;

(b) Measured by the amounts charged for services, the type or amount of equipment or facilities deployed, or otherwise;

(c) Intended as compensation for the use of public or private rights-of-way, the right to conduct business, or otherwise; or

(d) Permitted or required to be separately stated on the purchaser's bill.

(3) The prohibitions in this section shall not apply to:

(a) Ad valorem taxes levied under KRS 132.020;

(b) Emergency telephone surcharges;

(c) Surety bonds;

(d) In-kind payments of property or services under existing contracts;

(e) Letters of credit designed to protect against damages to public rights-of-way for violations of regulatory requirements;

(f) Permit or inspection fees of general applicability that are:

1. Not related to construction in the rights-of-way; and

2. Levied solely to defray the actual costs of administering the permitting process or inspection program;

(g) Pole attachment fees that are imposed by a political subdivision pursuant to a written agreement, provided that such fees are just and reasonable and are designed to recover no more than the fully allocated accounting cost of the political subdivision in providing the allocated space and taking into consideration the number of users. This paragraph shall not impair any contract in existence on the effective date of this Act;

(h) Fees for the placement of antennas, towers, and other similar devices on publicly-owned property that are imposed by a political subdivision pursuant to a written agreement;

(i) Any charge or fee that is imposed on a provider by a political subdivision for the use of property or facilities owned by the political subdivision, if that provider is imposing similar charges or fees on other providers for the use of property or facilities owned or controlled by that provider;

(j) Any requirement by a political subdivision that a provider designate or set aside channel capacity for public, educational, or governmental use; or construct institutional networks; or provide similar services or facilities for public use and benefit that political subdivisions are specifically authorized to require by federal telecommunications laws; and

(k) Gross receipts utility taxes imposed under KRS 160.613 and 160.614.

(4) Notwithstanding any provision of law to the contrary, if a political subdivision imposes or otherwise attempts to require the payment of a franchise fee or tax, the political subdivision shall not receive any share of the proceeds of the tax levied by Section 104 of this Act for the period that the imposition or attempt occurs.

(5) To the extent that a provider actually pays a franchise fee or tax with respect to communications service that is also subject to the tax imposed by Section 97 of this Act, the provider shall be entitled to a credit against the amount payable to the cabinet under Section 97 of this Act in the amount of the franchise fee or tax, up to the amount of the excise tax billed with respect to the communications service.

(6) Nothing in this section shall prohibit a provider from donating property or services to a political subdivision, school district, or special district or prohibit a political subdivision, school district, or special district from receiving donated property or services.

SECTION 128. A NEW SECTION OF KRS CHAPTER 138 IS CREATED TO READ AS FOLLOWS:

(1) In this section, "gross receipts" means:

(a) Receipts from sales of tangible personal property in this state if:

1. The property is delivered or shipped to a purchaser, other than the United States government, or to the designee of the purchaser within this state regardless of the f.o.b. point or other conditions of the sale; or

2. The property is shipped from an office, store, warehouse, factory, or other place of storage in this state and the purchaser is the United States government; and

(b) Receipts from sales other than sales of tangible personal property in this state if the income-producing activity is performed in this state, or is performed both in and outside this state and a greater proportion of the income-producing activity is performed in this state than in any other state, based on cost of performance or gross receipt allocation method as provided by statute and elected by the taxpayer.

(2) Any business whose interstate communications service, subject to the communications excise tax imposed under Section 97 of this Act and deducted for federal income tax purposes, exceeds five percent (5%) of the business's Kentucky gross receipts during the preceding calendar year is entitled to a refundable credit if:

(a) The business's annual Kentucky gross receipts are equal to or more than one million dollars ($1,000,000); and

(b) The majority of the interstate communications service billed to a Kentucky service address for the annual period is for communications service originating outside of this state and terminating in this state.

(3) The refundable credit shall be equal to the communications excise tax paid on the difference by which the interstate communications service purchased by the business exceeds five percent (5%) of the business's Kentucky gross receipts.

(4) Any business that qualifies for the refundable credit authorized by subsection (2) of this section shall make an annual application for the refund on or after June 1, 2006, and on or after every June 1 thereafter. The application shall be made to the cabinet on forms as the cabinet may prescribe and shall contain information regarding interstate communications service purchases and any other information deemed necessary for the cabinet to determine the business's eligibility to receive a refund.

(5) Notwithstanding the provisions of KRS 134.580 to the contrary, the cabinet, upon receipt of a properly documented refund application, shall cause a timely refund to be made directly to the eligible business. Interest shall not be allowed

or paid on any refund made under this section.

(6) To facilitate the administration of the refundable tax credit, the cabinet shall grant eligible businesses which apply for the tax credit permission to directly report and pay the communications excise tax applicable to the purchase of communications service. Once the business receives permission to directly report and pay the tax, refunds issued according to the provisions of subsection (2) of this section shall not include any communications excise tax collected and paid by a communications service provider.

(7) Any refund application submitted under this section is subject to examination by the cabinet. The examination shall occur within four (4) years from the date the refund application is received by the cabinet. Any overpayment resulting from the examination shall be repaid to the State Treasury. In addition, the amount required to be repaid is subject to the interest provisions of KRS 131.183 and to the penalty provisions of KRS 131.180.

(8) If a business owns directly or indirectly fifty percent (50%) or more of another business, the credit computed under subsection (2) of this section shall be computed on a combined basis, excluding any intercompany Kentucky gross receipts.

SECTION 129. A NEW SECTION OF KRS CHAPTER 132 IS CREATED TO READ AS FOLLOWS:

(1) It shall be the duty of all persons owning or having any interest in tangible personal property in this state to list or have listed the property with the cabinet between January 1 and May 15 in each year. All persons in whose name property is assessed shall remain bound for the tax, notwithstanding that they may have sold or parted with it.

(2) The cabinet shall allocate the assessed value of property described in subsection (1) of this section among the counties, cities, and taxing districts. The assessed value shall be allocated to the county, city, or taxing district where the property is situated.

(3) The cabinet shall certify, unless otherwise specified, to the county clerk of each county in which any of the property assessment listed by the corporation is liable to local taxation, the amount of tangible personal property liable for county, city, or district tax.

(4) No appeal shall delay the collection or payment of taxes based upon the assessment in controversy. The taxpayer shall pay all state, county, and district taxes due on the valuation that the taxpayer claims as the true value as stated in the protest filed under KRS 131.110. When the valuation is finally determined upon appeal, the taxpayer shall be billed for any additional tax and interest at the tax interest rate as defined in KRS 131.010(6), from the date the tax would have become due if no appeal had been taken. The provisions of KRS 134.390 shall apply to the tax bill.

(5) The certification of valuation shall be filed by each county clerk in the clerk's office and shall be certified by the county clerk to the proper collecting officer of the county, city, or taxing district for collection. Any district that has the value certified by the cabinet shall pay an annual fee to the cabinet that represents an allocation of the cabinet's operating and overhead expenses incurred in generating the valuations. This fee shall be determined by the cabinet and shall apply to valuations for tax periods beginning on or after January 1, 2005.

Section 130. KRS 136.120 is amended to read as follows:

(1) Every railway company, sleeping car company, chair car company, dining car company, gas company, water company, ferry company, bridge company, street railway company, interurban electric railroad company, express company, electric light company, electric power company,~~[telephone company, telegraph company,]~~ commercial air carrier, air freight carrier, pipeline company, common carrier water transportation company, privately owned regulated sewer company,~~[cable television company,]~~ municipal solid waste disposal facility, as defined by KRS 224.01-010(15), where solid waste is disposed by landfilling, railroad car line company, which means any company, other than a railroad company, which owns, uses, furnishes, leases, rents, or operates to, from, through, in, or across this state or any part thereof, any kind of railroad car including, but not limited to, flat, tank, refrigerator, passenger, or similar type car, and every other like company or business performing any public service, except bus line companies, regular and irregular route common carrier trucking companies,~~[and]~~ taxicab companies, *and companies principally engaged in the provision of communications services as defined in Section 96 of this Act* shall annually pay a tax on its operating property to the state and to the extent the property is liable to taxation shall pay a local tax thereon to the county, incorporated city, and taxing district in which its operating property is located.

(2) The property of the taxpayers shall be classified as operating property, nonoperating tangible property, and nonoperating intangible property. Nonoperating intangible property within the taxing jurisdiction of the Commonwealth shall be taxable for state purposes only at the same rate as the intangible property of other taxpayers not performing public services, and operating property and nonoperating tangible property shall be subject to state and local taxes at the same rate as the tangible property of other taxpayers not performing public services.

(3) The Revenue Cabinet shall have sole power to value and assess all of the property of every corporation, company, association, partnership, or person performing any public service, including those enumerated above and all others to whom this section may apply, whether or not the operating property, nonoperating tangible property, or nonoperating intangible property has heretofore been assessed by the cabinet, and shall allocate the assessment as provided by KRS 136.170, and shall certify operating property liable to local taxation and nonoperating tangible property to the counties, cities, and taxing districts as provided in KRS 136.180. All of the property assessed by the cabinet pursuant to this section shall be assessed as of December 31 each year for the following year's taxes, and the lien therefor shall attach as of the

assessment date. In the case of a taxpayer whose business is predominantly nonpublic service and the public service business in which he is engaged is merely incidental to his principal business, the cabinet shall in the exercise of its judgment and discretion determine, from evidence which it may have or obtain, what portion of the operating property is devoted to the public service business subject to assessment by the cabinet under this section and shall require the remainder of the property not so engaged to be assessed by the local taxing authorities.

Section 131. KRS 139.105 is amended to read as follows:

(1) For purposes of the retailer's obligation to pay or collect and remit the taxes imposed by KRS 139.200 and 139.310, the retailer shall source the retail sale[~~, excluding sales of communications services~~] as follows:

(a) Over the counter. When the purchaser receives tangible personal property or service at a business location of the retailer, the sale is sourced to that business location.

(b) Delivery to a specified address. When a purchaser or purchaser's donee receives tangible personal property or service at a location specified by the purchaser, the sale is sourced to that location.

(c) Delivery address unknown. When the retailer of a product does not know the address where the tangible personal property or service is received, the sale is sourced to the first address listed in this paragraph that is known to the retailer:

1. The address of the purchaser;
2. The billing address of the purchaser; or
3. The address from which the tangible personal property was shipped; from which the computer software was delivered electronically or was first available for transmission by the retailer; or from which the service was provided.

[~~(2) The retailer shall source communications services as follows:~~

~~(a) A sale of mobile telecommunications services, other than air-ground radiotelephone service and prepaid calling service, shall be sourced to the customer's or other purchaser's place of primary use.~~

~~(b) A sale of post-paid calling service shall be sourced to the origination point of the telecommunications signal as first identified by either the retailer's telecommunications system or information received by the retailer from it's service provider, where the system used to transport the signals is not that of the retailer.~~]

(d)[~~(c) A sale of prepaid calling service shall be sourced according to the provisions of subsection (1) of this section.~~]If the sale is of a prepaid calling service that is also a mobile telecommunications service ***as defined in Section 96 of this Act*** and the retailer does not know the address where the service is received***, then***[~~.~~] the sale shall be sourced to the first of the following that is known by the retailer:

1. The address of the customer available from the business records of the retailer;
2. The billing address of the customer;
3. The address from which the service was provided; or
4. The location associated with the mobile telephone number.

[~~(d) A sale of a private communications service shall be sourced as follows:~~

~~1. Service for a separate charge related to a customer channel termination point shall be sourced to each level of jurisdiction in which the customer channel termination point is located.~~

~~2. Service where all customer termination points are located entirely within one (1) jurisdiction or levels of jurisdiction is sourced in the jurisdiction in which the customer channel termination points are located.~~

~~3. Service for segments of a channel between two (2) customer channel termination points located in different jurisdictions and which segments of channel are separately charged shall be sourced fifty percent (50%) in each level of jurisdiction in which the customer channel termination points are located.~~

~~4. Service for segments of a channel located in more than one (1) jurisdiction or levels of jurisdiction and which segments are separately billed shall be sourced in each jurisdiction based on the percentage determined by dividing the number of customer channel termination points in the jurisdiction by the total number of customer channel termination points.~~

~~(e) A sale of other communications services sold on a basis other than a call-by-call basis shall be sourced to the customer's or other purchaser's place of primary use.~~]

(2)[~~(3)~~] Nothing included in[~~ subsection (1) or (2) of~~] this section shall affect the obligation of a purchaser to remit use tax pursuant to KRS 139.310.

Section 132. KRS 139.505 is amended to read as follows:

(1) For the purpose of this section, "gross receipts" means:

(a) Sales of tangible personal property in this state if:

1. The property is delivered or shipped to a purchaser, other than the United States government, or to the

designee of the purchaser within this state regardless of the f.o.b. point or other conditions of the sale; or

2. The property is shipped from an office, store, warehouse, factory, or other place of storage in this state and the purchaser is the United States government; and

(b) Sales other than sales of tangible personal property in this state if the income-producing activity is performed in this state; or the income-producing activity is performed both in and outside this state and a greater proportion of the income-producing activity is performed in this state than in any other state, based on cost of performance, or gross receipt allocation method as provided by statute and elected by the taxpayer.

(2) Any business whose ***interstate*** communications service, subject to the sales tax imposed under KRS Chapter 139 and deducted for federal income tax purposes, exceeds five percent (5%) of the business's Kentucky gross receipts during the preceding calendar year is entitled to a refundable credit ***if:***

(a) The business's annual Kentucky gross receipts are equal to or more than one million dollars ($1,000,000); and

(b) The majority of the interstate communications service billed to a Kentucky service address for the annual period is for communications service originating outside of this state and terminating in this state.

(3) The refundable credit shall be equal to the sales tax paid on the difference by which the ***interstate*** communications service purchased by the business exceeds five percent (5%) of the business's Kentucky gross receipts.

(4)[~~(3)~~] Any business that qualifies for the refundable credit authorized by subsection (2) of this section shall make an annual application for the refund on or after June 1, 2002, and on or after every June 1 thereafter. The application shall be made to the cabinet on forms as the cabinet may prescribe and shall contain ***information regarding interstate communications service purchases and*** any ***other*** information deemed necessary for the cabinet to determine the business's eligibility to receive a refund.

(5)[~~(4)~~] Notwithstanding the provisions of KRS 134.580 to the contrary, the cabinet, upon receipt of a properly documented refund application, shall cause a timely refund to be made directly to the ***eligible*** business. Interest shall not be allowed or paid on any refund made under this section.

(6) To facilitate the administration of the refundable tax credit, the cabinet shall grant eligible businesses that apply for the tax credit permission directly to report and pay the sales tax applicable to the purchase of communications service. Once the business receives permission directly to report and pay the tax, refunds issued according to subsection (2) of this section shall not include any sales tax collected and paid by a communications service provider.

(7)[~~(5)~~] Any refund application submitted under this section is subject to examination by the cabinet. The examination shall occur within four (4) years from the date the refund application is received by the cabinet. Any overpayment resulting from the examination shall be repaid to the State Treasury. In addition, the amount required to be repaid is subject to the interest provisions of KRS 131.183 and to the penalty provisions of KRS 131.180.

(8)[~~(6)~~] If a business owns directly or indirectly fifty percent (50%) or more of another business, the credit computed under subsection (2) of this section shall be computed on a combined basis, excluding any intercompany Kentucky gross receipts.

Section 133. KRS 139.480 is amended to read as follows:

Any other provision of this chapter to the contrary notwithstanding, the terms "sale at retail," "retail sale," "use," "storage," and "consumption," as used in this chapter, shall not include the sale, use, storage, or other consumption of:

(1) Locomotives or rolling stock, including materials for the construction, repair, or modification thereof, or fuel or supplies for the direct operation of locomotives and trains, used or to be used in interstate commerce;

(2) Coal for the manufacture of electricity;

(3) All energy or energy-producing fuels used in the course of manufacturing, processing, mining, or refining ***and any related distribution, transmission, and transportation services for this energy that are billed to the user,*** to the extent that the cost of the energy or energy-producing fuels used***, and related distribution, transmission, and transportation services for this energy that are billed to the user exceed***[~~exceeds~~] three percent (3%) of the cost of production. Cost of production shall be computed on the basis of plant facilities which shall mean all permanent structures affixed to real property at one (1) location;

(4) Livestock of a kind the products of which ordinarily constitute food for human consumption, provided the sales are made for breeding or dairy purposes and by or to a person regularly engaged in the business of farming;

(5) Poultry for use in breeding or egg production;

(6) Farm work stock for use in farming operations;

(7) Seeds, the products of which ordinarily constitute food for human consumption or are to be sold in the regular course of business, and commercial fertilizer to be applied on land, the products from which are to be used for food for human consumption or are to be sold in the regular course of business; provided such sales are made to farmers who are regularly engaged in the occupation of tilling and cultivating the soil for the production of crops as a business, or who are regularly engaged in the occupation of raising and feeding livestock or poultry or producing milk for sale; and provided further that tangible personal property so sold is to be used only by those persons designated above who are so purchasing;

(8) Insecticides, fungicides, herbicides, rodenticides, and other farm chemicals to be used in the production of crops as a business, or in the raising and feeding of livestock or poultry, the products of which ordinarily constitute food for human consumption;

(9) Feed, including pre-mixes and feed additives, for livestock or poultry of a kind the products of which ordinarily constitute food for human consumption;

(10) Machinery for new and expanded industry;

(11) Farm machinery. As used in this section, the term "farm machinery" means machinery used exclusively and directly in the occupation of tilling the soil for the production of crops as a business, or in the occupation of raising and feeding livestock or poultry or of producing milk for sale. The term "farm machinery," as used in this section includes machinery, attachments, and replacements therefor, repair parts, and replacement parts which are used or manufactured for use on, or in the operation of farm machinery and which are necessary to the operation of the machinery, and are customarily so used; but this exemption shall not include automobiles, trucks, trailers, and truck-trailer combinations;

(12) Property which has been certified as a pollution control facility as defined in KRS 224.01-300, and all materials, supplies, and repair and replacement parts purchased for use in the operation or maintenance of the facilities used specifically in the steel-making process. The exemption provided in this subsection for materials, supplies, and repair and replacement parts purchased for use in the operation of pollution control facilities shall be effective for sales made through June 30, 1994;

(13) Tombstones and other memorial grave markers;

(14) On-farm facilities used exclusively for grain or soybean storing, drying, processing, or handling. The exemption applies to the equipment, machinery, attachments, repair and replacement parts, and any materials incorporated into the construction, renovation, or repair of the facilities;

(15) On-farm facilities used exclusively for raising poultry or livestock. The exemption shall apply to the equipment, machinery, attachments, repair and replacement parts, and any materials incorporated into the construction, renovation, or repair of the facilities. The exemption shall apply but not be limited to vent board equipment, waterer and feeding systems, brooding systems, ventilation systems, alarm systems, and curtain systems. In addition, the exemption shall apply whether or not the seller is under contract to deliver, assemble, and incorporate into real estate the equipment, machinery, attachments, repair and replacement parts, and any materials incorporated into the construction, renovation, or repair of the facilities;

(16) Gasoline, special fuels, liquefied petroleum gas, and natural gas used exclusively and directly to:

    (a) Operate farm machinery as defined in subsection (11) of this section;

    (b) Operate on-farm grain or soybean drying facilities as defined in subsection (14) of this section;

    (c) Operate on-farm poultry or livestock facilities defined in subsection (15) of this section;

    (d) Operate-on farm ratite facilities defined in subsection (24) of this section;

    (e) Operate on-farm llama or alpaca facilities as defined in subsection (26) of this section; or

    (f) Operate on-farm dairy facilities;

(17) Textbooks, including related workbooks and other course materials, purchased for use in a course of study conducted by an institution which qualifies as a nonprofit educational institution under KRS 139.495. The term "course materials" means only those items specifically required of all students for a particular course but shall not include notebooks, paper, pencils, calculators, tape recorders, or similar student aids;

(18) Any property which has been certified as an alcohol production facility as defined in KRS 247.910;

(19) Aircraft, repair and replacement parts therefor, and supplies, except fuel, for the direct operation of aircraft in interstate commerce and used exclusively for the conveyance of property or passengers for hire. Nominal intrastate use shall not subject the property to the taxes imposed by this chapter;

(20) Any property which has been certified as a fluidized bed energy production facility as defined in KRS 211.390;

(21) Any property to be incorporated into the construction, rebuilding, modification, or expansion of a blast furnace or any of its components or appurtenant equipment or structures. The exemption provided in this subsection shall be effective for sales made through June 30, 1994;

(22) Beginning on October 1, 1986, food or food products purchased for human consumption with food coupons issued by the United States Department of Agriculture pursuant to the Food Stamp Act of 1977, as amended, and required to be exempted by the Food Security Act of 1985 in order for the Commonwealth to continue participation in the federal food stamp program;

(23) Machinery or equipment purchased or leased by a business, industry, or organization in order to collect, source separate, compress, bale, shred, or otherwise handle waste materials if the machinery or equipment is primarily used for recycling purposes;

(24) Ratite birds and eggs to be used in an agricultural pursuit for the breeding and production of ratite birds, feathers, hides, breeding stock, eggs, meat, and ratite by-products, and the following items used in this agricultural pursuit:

    (a) Feed and feed additives;

(b) Insecticides, fungicides, herbicides, rodenticides, and other farm chemicals;

(c) On-farm facilities, including equipment, machinery, attachments, repair and replacement parts, and any materials incorporated into the construction, renovation, or repair of the facilities. The exemption shall apply to incubation systems, egg processing equipment, waterer and feeding systems, brooding systems, ventilation systems, alarm systems, and curtain systems. In addition, the exemption shall apply whether or not the seller is under contract to deliver, assemble, and incorporate into real estate the equipment, machinery, attachments, repair and replacement parts, and any materials incorporated into the construction, renovation, or repair of the facilities;

(25) Embryos and semen that are used in the reproduction of livestock, if the products of these embryos and semen ordinarily constitute food for human consumption, and if the sale is made to a person engaged in the business of farming;

(26) Llamas and alpacas to be used as beasts of burden or in an agricultural pursuit for the breeding and production of hides, breeding stock, fiber and wool products, meat, and llama and alpaca by-products, and the following items used in this pursuit:

(a) Feed and feed additives;

(b) Insecticides, fungicides, herbicides, rodenticides, and other farm chemicals; and

(c) On-farm facilities, including equipment, machinery, attachments, repair and replacement parts, and any materials incorporated into the construction, renovation, or repair of the facilities. The exemption shall apply to waterer and feeding systems, ventilation systems, and alarm systems. In addition, the exemption shall apply whether or not the seller is under contract to deliver, assemble, and incorporate into real estate the equipment, machinery, attachments, repair and replacement parts, and any materials incorporated into the construction, renovation, or repair of the facilities;

(27) Baling twine and baling wire for the baling of hay and straw;

(28) Water sold to a person regularly engaged in the business of farming and used in the:

(a) Production of crops;

(b) Production of milk for sale; or

(c) Raising and feeding of:

1. Livestock or poultry, the products of which ordinarily constitute food for human consumption; or

2. Ratites, llamas, alpacas, buffalo, cervids or aquatic organisms;

(29) Buffalos to be used as beasts of burden or in an agricultural pursuit for the production of hides, breeding stock, meat, and buffalo by-products, and the following items used in this pursuit:

(a) Feed and feed additives;

(b) Insecticides, fungicides, herbicides, rodenticides, and other farm chemicals;

(c) On-farm facilities, including equipment, machinery, attachments, repair and replacement parts, and any materials incorporated into the construction, renovation, or repair of the facilities. The exemption shall apply to waterer and feeding systems, ventilation systems, and alarm systems. In addition, the exemption shall apply whether or not the seller is under contract to deliver, assemble, and incorporate into real estate the equipment, machinery, attachments, repair and replacement parts, and any materials incorporated into the construction, renovation, or repair of the facilities;

(30) Aquatic organisms sold directly to or raised by a person regularly engaged in the business of producing products of aquaculture, as defined in KRS 260.960, for sale, and the following items used in this pursuit:

(a) Feed and feed additives;

(b) Water;

(c) Insecticides, fungicides, herbicides, rodenticides, and other farm chemicals; and

(d) On-farm facilities, including equipment, machinery, attachments, repair and replacement parts, and any materials incorporated into the construction, renovation, or repair of the facilities and, any gasoline, special fuels, liquefied petroleum gas, or natural gas used to operate the facilities. The exemption shall apply, but not be limited to: waterer and feeding systems; ventilation, aeration, and heating systems; processing and storage systems; production systems such as ponds, tanks, and raceways; harvest and transport equipment and systems; and alarm systems. In addition, the exemption shall apply whether or not the seller is under contract to deliver, assemble, and incorporate into real estate the equipment, machinery, attachments, repair and replacement parts, and any materials incorporated into the construction, renovation, or repair of the facilities;

(31) Members of the genus cervidae permitted by KRS Chapter 150 that are used for the production of hides, breeding stock, meat, and cervid by-products, and the following items used in this pursuit:

(a) Feed and feed additives;

(b) Insecticides, fungicides, herbicides, rodenticides, and other chemicals; and

(c) On-site facilities, including equipment, machinery, attachments, repair and replacement parts, and any materials incorporated into the construction, renovation, or repair of the facilities. In addition, the exemption shall apply whether or not the seller is under contract to deliver, assemble, and incorporate into real estate the equipment, machinery, attachments, repair and replacement parts, and any materials incorporated into the construction, renovation, or repair of the facilities; and

(32) (a) Repair or replacement parts for the direct operation or maintenance of a motor vehicle, including any towed unit, used exclusively in interstate commerce for the conveyance of property or passengers for hire, provided the motor vehicle is licensed for use on the highway and its declared gross vehicle weight with any towed unit is forty-four thousand and one (44,001) pounds or greater. Nominal intrastate use shall not subject the property to the taxes imposed by this chapter.

(b) For the purposes of this subsection, "repair and replacement parts" means tires, brakes, engines, transmissions, drive trains, chassis, body parts, and their components. "Repair and replacement parts" shall not include fuel, machine oils, hydraulic fluid, brake fluid, grease, supplies, or accessories not essential to the operation of the motor vehicle itself, except when sold as part of the assembled unit, such as cigarette lighters, radios, lighting fixtures not otherwise required by the manufacturer for operation of the vehicle, or tool or utility boxes.

Section 134. KRS 68.180 is amended to read as follows:

(1) The fiscal court of each county having a population of three hundred thousand (300,000) or more may by order or resolution impose license fees on franchises, provide for licensing any business, trade, occupation, or profession, and the using, holding, or exhibiting of any animal, article, or other thing.

(2) License fees on such business, trade, occupation, or profession for revenue purposes, except those of the common schools, shall be imposed at a percentage rate not to exceed one and one-fourth percent (1.25%) of:

(a) Salaries, wages, commissions, and other compensation earned by persons within the county for work done and services performed or rendered in the county; and

(b) The net profits of businesses, trades, professions, or occupations from activities conducted in the county.

(3) The provisions of subsection (2) of this section shall not apply to license fees imposed for regulatory purposes as to form and amount. No public service company that pays an ad valorem tax shall be required to pay a license tax, and no license tax shall be imposed upon or collected from any bank, trust company, combined bank and trust company, combined trust, banking and title business in this state, any savings and loan association, whether state or federally chartered, ***any communications service provider subject to tax under Section 97 of this Act,*** or upon income received by members of the Kentucky National Guard for active duty training, unit training assemblies, and annual field training, or upon income received by precinct workers for election training or work at election booths in state, county, and local primary, regular, or special elections, or upon any profits, earnings, or distributions of an investment fund which would qualify under KRS 154.20-250 to 154.20-284 to the extent any profits, earnings, or distributions would not be taxable to an individual investor, or in other cases where the county is prohibited by law from imposing a license tax.

(4) The provisions and limitations of subsection (2) of this section shall not apply to the license fees authorized by KRS 160.482 to 160.488.

Section 135. KRS 92.300 is amended to read as follows:

(1) The legislative body of any city of the second to sixth class may by ordinance exempt manufacturing establishments from city taxation for a period not exceeding five (5) years as an inducement to their location in the city. In cities of the third class, two-thirds (2/3) of the members of the city legislative body must concur for this purpose.

(2) No city of the second to sixth class or urban-county government may impose or collect any license tax upon any bank, trust company, combined bank and trust company, or trust, banking and title insurance company organized and doing business in this state, any savings and loan association whether state or federally chartered, ***any communications service provider subject to tax under Section 97 of this Act,*** or upon income received by members of the Kentucky national guard for active duty training, unit training assemblies and annual field training, or upon income received by precinct workers for election training or work at election booths in state, county, and local primary, regular, or special elections.

(3) Unpaid volunteer members of fire companies in cities of the fourth class shall be exempt from city poll taxes so long as they remain active members.

Section 136. KRS 92.281 is amended to read as follows:

(1) Cities of all classes are authorized to levy and collect any and all taxes provided for in Section 181 of the Constitution of the Commonwealth of Kentucky, and to use the revenue therefrom for such purposes as may be provided by the legislative body of the city.

(2) Nothing in this section shall be construed to repeal, amend, or affect in any way the provisions of KRS 243.070.

(3) This section shall not in any wise repeal, amend, affect, or apply to any existing statute exempting property from local taxation or fixing a special rate on proper classification or imposing a state tax which is declared to be in lieu of all local taxation, nor shall it be construed to authorize a city to require any company that pays both an ad valorem tax and a franchise tax to pay a license tax.

(4) This section shall also be subject to the provisions of KRS 91.200 in cities of the first class having a sinking fund and

commissioners of a sinking fund.

(5) License fees on businesses, trades, occupations, or professions may not be imposed by a city of the sixth class at a percentage rate on salaries, wages, commissions, or other compensation earned by persons for work done or services performed within said city of the sixth class nor the net profits of businesses, professions, or occupations from activities conducted in said city of the sixth class.

(6) License fees or occupational taxes may not be imposed against or collected on income received by precinct workers for election training or work at election booths in state, county, and local primary, regular, or special elections.

(7) License fees or occupational taxes may not be imposed against or collected on any profits, earnings, or distributions of an investment fund which would qualify under KRS 154.20-250 to 154.20-284 to the extent any profits, earnings, or distributions would not be taxable to an individual investor.

(8) License fees or occupational taxes may not be imposed against or collected from any company principally engaged in the provision of communications services as defined in Section 51 of this Act.

Section 137. The following KRS sections are repealed:

154.45-001 Purpose of Enterprise Zone Program.

154.45-020 Application for designation as enterprise zone -- Interlocal governmental agreement -- Application to amend boundaries of existing zone -- Joint applications.

154.45-030 Boundary changes effective upon written approval of authority -- Contents of application -- Requirements for authority's approval.

154.45-040 Areas eligible for designation as enterprise zone.

154.45-080 Master business license.

154.45-100 Neighborhood enterprise association corporations -- Establishment -- Certification -- Land owned by state and local governments to be leased to corporation -- Tax exemption.

Section 138. The following KRS sections are repealed effective August 1, 2004:

138.207 Refund of tax on cigarettes donated to institutions.

141.375 Definitions relating to qualifying energy property.

141.380 Tax credit for expenditures for qualifying energy property installed by taxpayer.

243.710 Wholesaler's tax on distilled spirits.

243.720 Rate of tax.

243.730 Reports by wholesalers and distributors or retailers -- Applicability of brewers' tax credit -- Due date of tax -- Advance payments -- Bond.

243.790 No tax when to be shipped and consumed out of state -- Conditions of exemption.

Section 139. The following KRS sections are repealed effective January 1, 2005

139.195 Definitions for KRS 139.105, 139.200, and 139.775.

139.775 Mobile telecommunications services -- Adoption of federal provisions -- Notification of home service provider about errors -- Correction and refund -- Exhaustion of remedies.

141.0105 Adjustment of exclusion amount for retirement distributions for tax years after 1998.

Section 140. The following KRS sections are repealed effective January 1, 2005:

132.043 Retirement plan, interest taxable by state -- Rate -- Collection --Not subject to local taxes.

132.047 Credit union accounts -- Taxation -- Rate -- Collection -- Not subject to local taxes.

132.050 Brokers' accounts receivable tax.

132.060 Marginal accounts tax -- Brokers' report to cabinet.

132.070 Assessment of marginal accounts tax.

132.080 Payment and collection of marginal accounts tax -- Penalty.

132.090 Credit to broker for services.

132.215 Right to receive income -- Basis of assessment -- Rate of tax.

132.216 Life insurance companies to report names and addresses of residents entitled to proceeds of policies left on deposit and subject to right of withdrawal, and beneficiaries of policies taxable under KRS 132.215.

132.240 Face value of intangibles to be stated.

132.300 Failure to list note or bond bars action to collect.

132.490 Annual reports of recorded evidences of indebtedness, by county clerk to property valuation administrators -- Compensation of clerk.

132.500 Valuation of evidences of indebtedness.

132.520 Mortgage assignments to be reported by banks and other companies.

136.030 List of resident bondholders -- Information to be furnished to Revenue Cabinet.

Section 141. The following KRS sections are repealed effective December 31, 2007:

154.45-010 Definitions for KRS 154.45-020 to 154.45-110.

154.45-050 Number of enterprise zones limited -- Preferred areas -- Effect of revocation -- Retention of certification and eligibility for tax exemption after removal of designation.

154.45-060 Enterprise Zone Authority of Kentucky -- Membership -- Terms -- Meetings -- Compensation -- Staff.

154.45-070 Duties of authority.

154.45-090 Tax advantages, credits, and exemptions for qualified businesses.

154.45-110 Duties of Revenue Cabinet -- Report to General Assembly on fiscal impact of Enterprise Zone Program.

154.45-120 Cabinet for Workforce Development to verify employment information of qualified businesses.

Section 142. The amendments made in Section 1 of this Act shall apply to corporation license tax returns due without regard to extension on or after April 15, 2004.

Section 143. The Legislative Research Commission is directed to study the effectiveness of the exemptions and exclusions from the sales and use tax imposed under KRS Chapter 139 for enhancing economic development within the Commonwealth, improving competitiveness with other states in the attraction of new capital investment and job creation, and ensuring a balanced tax structure that generates additional receipts proportionately with overall economic growth. The study shall make findings as to changes needed to increase the effectiveness and efficiency of the sales and use tax structure and determine whether the exemptions and exclusions merit continuation. The findings shall be reported to the Legislative Research Commission no later than December 1, 2005. The study shall be conducted with the assistance of the Finance and Administration Cabinet. The Legislative Research commission may retain a consultant. Provisions of this section to the contrary notwithstanding, the Legislative Research Commission shall have the authority to assign the responsibilities for the issues identified in this section to an interim joint committee or subcommittee thereof, and to designate a study completion date.

Section 144. The taxes levied in this Act are for the purpose of supporting the general expenditures of the Commonwealth and political subdivisions of the Commonwealth.

Section 145. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Act that can be given effect without the invalid provision or application, and to this end, the provisions of this Act are severable.

Section 146. Nothing in this Act shall be construed as making an appropriation of funds generated under the provisions of this Act by virtue of the provisions included in this Act.

Section 147. Sections 64 to 70, 72 to 74, 76 to 79, and 84 to 87 of this Act take effect August 1, 2004.

Section 148. Section 130 of this Act takes effect December 31, 2004.

Section 149. Sections 2 to 19, 21 to 31, 38, 49 to 63, 71, 80 to 83, 96 to 129, and 131 to 136 of this Act take effect on January 1, 2005.

Section 150. Sections 88 to 95 of this Act take effect on June 1, 2005.

Representative Moberly moved that the House refuse to concur in the Senate Committee Substitute to **HB 395**.

On the roll call the vote was: **Yeas 58, Nays 38**. (See March 29, 2004, roll call on **HB 395** - Appendix.)

The House refused to concur in the Senate Committee Substitute to **HB 395**.

Senate Message

Message received in regard to **HB 708**: The Senate has refused to recede from its Amendments to **HB 708** and requests the appointment of a Conference Committee.

Message received in regard to **SB 75**: The Senate has refused to concur in the Committee Substitute and the following House Floor Amendment No. 2 and respectfully returns it with the request that this Honorable Body recede from the Committee Substitute and the Amendment.(11:05 p.m.)

Report On Enrolled Bills

HB 67, 397, and **441** delivered to the Senate and signed by the President. Delivered to the Governor on March 29, 2004 at 11:17 p.m.

Senate Message

Message received in regard to **HB 90**: The Senate has passed **HB 90** by way of Committee Substitute with the following Senate Floor Amendment No. 7, Senate Floor Amendment No. 6, and Senate Floor Amendment No. 5 Title and respectfully requests concurrence of this Honorable Body.

Message received in regard to **HB 242**: The Senate has passes **HB 242** with the following Senate Floor Amendment No. 3 and respectfully requests concurrence of this Honorable Body.

Message received in regard to **HB 97**: The Senate has adopted the Free Conference Committee Report on **HB 97** and is notifying this Honorable Body that it has passed. (11:35 p.m.)

Orders of the Day (Continued)

HB 396, with Senate Committee Substitute and Senate Committee Amendments attached thereto, taken from the Orders of the Day. Representative Adkins moved that it be placed upon its passage for concurrence or non concurrence. Agreed.

The Senate Committee Substitute to **HB 396** is as follows:

HB 396, AN ACT making appropriations for the operations, maintenance, support, and functioning of the judicial branch of the government of the Commonwealth of Kentucky and its various officers, boards, commissions, subdivisions, and other state-supported activities.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

PART I

OPERATING BUDGET

There is appropriated out of the General Fund, Restricted Funds accounts, or Federal Funds accounts for the fiscal year beginning July 1, 2004, and ending June 30, 2005, and for the fiscal year beginning July 1, 2005, and ending June 30, 2006, in the following sums to be used for the purposes of the judicial branch of the government of the Commonwealth of Kentucky, including the Supreme Court, Court of Appeals, Circuit Court, Family Court, District Court, the Administrative Office of the Courts, pretrial services, juvenile services, judicial boards and commissions, the State Law Library, judicial retirement, Local Facilities Fund, Local Facilities Use Allowance Contingency Fund, and for services performed by the circuit clerks' offices, including both Circuit and District Court support.

1. Court of Justice

   a. Court operations and administration

	2004-05	**2005-06**
General Fund	157,711,500	165,543,700
Restricted Funds	13,296,300	14,175,800
Federal Funds	3,096,500	1,604,200
Total	174,104,300	181,323,700

Funds are included to provide a two percent salary adjustment in fiscal year 2004-2005 and a three and one-half percent salary adjustment in fiscal year 2005-2006 for nonelected court personnel. Included are funds to provide a two percent salary adjustment in fiscal year 2004-2005 and a three and one-half percent salary adjustment in fiscal year 2005-2006 for justices and judges. Also included are funds for the salaries of the circuit clerks in fiscal year 2004-2005 and in fiscal year 2005-2006 as provided for in the Judicial Branch Budget Recommendation.

Included in the above General Fund appropriation is $2,198,000 in fiscal year 2004-2005 and $4,015,700 in fiscal year 2005-2006 to replace Federal Funds for existing drug court sites whose funding expires during the 2004-2006 fiscal biennium. Included in the above General Fund appropriation is $88,700 in fiscal year 2004-2005 and $109,600 in fiscal year 2005-2006 to replace Restricted Funds for Kenton Juvenile and Whitley Juvenile Drug Courts.

Notwithstanding KRS 24A.100(3), funds are included in the above General Fund appropriation to continue the statutory maximum salary of trial commissioners as provided for in the Judicial Branch Budget Recommendation.

Included in the above General Fund appropriation is $225,000 in fiscal year 2004-2005 and $225,000 in fiscal year 2005-2006 to support the Kentucky Legal Education Opportunities (KLEO) Program. Participants may be required to meet certain grade point average (GPA) conditions. Both phases of the Kentucky Legal Education Opportunities (KLEO) Program shall be operational for fiscal years 2004-2005 and 2005-2006.

Included in the above Restricted Funds appropriation is $7,339,300 in fiscal year 2004-2005 and $7,732,100 in fiscal year 2005-2006 to support deputy clerk positions, salary enhancements, and related initiatives in the circuit clerk's offices. These amounts include a one and one-half percent salary increment in fiscal year 2004-2005 and a three percent salary increment in fiscal year 2005-2006, and the employer's cost for benefits, including health insurance based on the September 1, 2003, Restricted Funds personnel level. The Chief Justice of the Supreme Court shall ensure these funds are not utilized for any other purpose within the Judicial Branch budget or for any unfunded purposes not specified in this Act.

Included in the above General Fund appropriation is $565,000 in fiscal year 2004-2005 and $565,000 in fiscal year 2005-2006 for the employer's share of retirement and FICA contributions for Master Commissioner salaries and wages.

b. Local Facilities Fund

	2004-05	**2005-06**
General Fund	59,442,800	79,943,000

Included in the above appropriation are moneys to compensate local units of government for providing court space and for costs incurred in the development of local court facilities as defined in KRS Chapter 26A and provided in Part II of this Act, and to perform all other acts required or authorized by KRS Chapter 26A.

The balance remaining at the end of fiscal year 2003-2004 totaling $2,500,000, shall not carry forward into fiscal year 2004-2005 and shall lapse to the credit of the General Fund Surplus account (KRS 48.700).

Notwithstanding KRS 45.229, any unexpended balance remaining at the close of fiscal year 2003-2004 shall not lapse and shall continue into fiscal year 2004-2005, and any unexpended balance remaining at the close of fiscal year 2004-2005 shall not lapse and shall be continued into fiscal year 2005-2006.

The use allowance for the Fayette County Courthouse is contingent upon Short Street in Lexington, Kentucky, remaining open to vehicular traffic.

Included in the above General Fund appropriation is $19,948,400 in fiscal year 2005-2006 to support operating, use allowance, and non-recurring furniture and equipment costs for each local facility project as authorized in Part II of this Act.

c. Local Facilities Use Allowance Contingency Fund

	2004-05	**2005-06**
General Fund	-0-	-0-

Notwithstanding KRS 45.229, any unexpended balance remaining at the close of fiscal year 2003-2004 shall not lapse and shall continue into fiscal year 2004-2005, and any unexpended balance remaining at the close of fiscal year 2004-2005 shall not lapse and shall be continued into fiscal year 2005-2006 to provide for cost overruns in authorized court facilities projects not to exceed 15 percent of the use allowance in accordance with KRS Chapter 26A.

TOTAL - COURT OF JUSTICE

	2004-05	**2005-06**
General Fund	217,154,300	245,486,700
Restricted Funds	13,296,300	14,175,800
Federal Funds	3,096,500	1,604,200
TOTAL	233,547,100	261,266,700

2. Judicial Form Retirement System

	2004-05	**2005-06**
General Fund.	2,299,800	2,303,300

General Fund amounts are included to provide for the 2003 actuarial assessed needs of the Judicial Form Retirement System.

TOTAL - OPERATING BUDGET

	2004-05	**2005-06**
General Fund	219,454,100	247,790,000
Restricted Funds	13,296,300	14,175,800
Federal Funds	3,096,500	1,604,200
TOTAL	235,846,900	263,570,000

PART II

CAPITAL PROJECTS BUDGET

1. Local Facilities Projects - Authorized

a. Adair County - Project Scope	9,771,000	-0-
b. Green County - Project Scope	9,352,000	-0-
c. Project Pool		
Robertson County - Project Scope	2,229,000	-0-
Gallatin County - Project Scope	2,229,000	-0-
Pendleton County - Project Scope	2,228,000	-0-

d.	Washington - Project Scope	10,608,000	-0-
e.	Livingston - Project Scope	5,557,000	-0-
f.	Jackson - Project Scope	10,601,000	-0-
g.	Grayson - Project Scope	11,076,000	-0-
h.	Hart - Project Scope	10,871,000	-0-
i.	Trigg - Project Scope	9,757,000	-0-
j.	Rowan - Project Scope	11,234,000	-0-
k.	Wolfe - Project Scope	10,182,000	-0-
l.	Taylor - Project Scope	14,664,000	-0-
m.	Laurel - Project Scope	23,337,000	-0-
n.	Shelby - Project Scope	17,846,000	-0-
o.	Pulaski - Project Scope	22,043,000	-0-

2. Local Facilities Projects - Contingent Authorization

p.	Grant - Project Scope	14,233,000	-0-
q.	Logan - Project Scope	14,535,000	-0-
r.	Boyd - Project Scope	19,148,000	-0-
s.	Hopkins - Project Scope	19,457,000	-0-
t.	Pike - Project Scope	25,956,000	-0-

3. Lease Authorizations

u. Franklin County - Lease - Office Space

v. Franklin County - Lease - Court of Appeals

w. Jefferson County - Courts Parking Lease

Local Facilities Projects - Contingent Authorization: Courthouse projects with contingent authorization are authorized only to the extent one or more of the Local Facilities Projects - Authorized, items a. through o. above, are deemed by the Chief Justice of the Supreme Court to no longer be feasible or necessary.

Nothing in this Act shall reduce the funding of court facility projects authorized by the General Assembly.

TOTAL - JUDICIAL BRANCH BUDGET

	2004-05	**2005-06**
General Fund	219,454,100	247,790,000
Restricted Funds	13,296,300	14,175,800
Federal Funds	3,096,500	1,604,200
TOTAL	235,846,900	263,570,000

PART III

GENERAL PROVISIONS

1. The Director of the Administrative Office of the Courts, with the approval of the Chief Justice, may expend any of the funds appropriated for the court operation and administration in any lawful manner and for any legal purpose that the Chief Justice shall authorize or direct. No executive agency of state government shall have the power to restrict or limit the expenditure of funds appropriated to the judicial branch of government.

2. The Court of Justice shall not incur any obligation for any program against the General Fund appropriations contained in this Act unless that program may be reasonably determined to have been contemplated by the proposed judicial budget, as modified and enacted, and supported by the statutory budget memorandum and other pertinent records.

3. Appropriation items and sums in this Act conform to KRS 48.311. If any section, any subsection, or any provisions thereof shall be invalid or unconstitutional, the decision of the courts shall not affect or impair any of the remaining sections, subsections, or provisions.

4. Any appropriation item and sum in this Act and in an appropriation provision in another Act of the 2004 General Assembly which constitutes a duplicate appropriation shall be governed by KRS 48.312.

5. KRS 48.313 shall control when a total or subtotal figure in this Act conflicts with the sum of the appropriations of which it consists.

6. Notwithstanding KRS 45.229, any unexpended balance remaining in the Court's Restricted Funds accounts or Federal Funds accounts at the close of the fiscal years ending June 30, 2004, and June 30, 2005, shall not lapse and shall continue into the next fiscal year.

7. The Chief Justice shall cause the Director of the Administrative Office of the Courts to prepare a final budget document reflecting the 2004-2006 biennial budget of the Court of Justice. A copy shall be provided to the Legislative Research Commission and an informational copy shall be furnished to the Finance and Administration Cabinet within 60 days of the adjournment of the 2004 Regular Session of the General Assembly.

8. The Chief Justice of the Commonwealth of Kentucky shall have the ability to transfer funds to other programs and budget units within the Judicial Branch. Any funds transferred to other budget units within the Judicial Branch may be used to support any activity, program, or operation of the budget unit or program receiving the respective funds.

9. Funding for the Kentucky Legal Education Opportunities (KLEO) Program has been continued during fiscal year 2004-2005 and fiscal year 2005-2006.

10. The Chief Justice shall not reallocate or reduce the salary, annual increment, or related benefits, for any Judicial Branch employee from that appropriated by the 2004 General Assembly for fiscal biennium 2004-2006 for any purposes not specified in this Act.

11. It is the intent of the General Assembly that the Court of Justice shall not eliminate or reduce the number of Administrative Office of the Courts, Circuit Clerks', District Court, or Circuit Court employees below the level employed on January 1, 2004. Furthermore, Restricted Funds support provided for deputy clerks' salary enhancements and initiatives shall not be reallocated within the Judicial Branch budget for any unfunded purposes not specified in this Act.

12. Proposed revisions to Restricted Funds and Federal Funds appropriations in this Act shall be made and reported pursuant to KRS 48.630(10). The Director of the Administrative Office of the Courts shall notify on a timely basis the Legislative Research Commission of the most current estimates of anticipated receipts for the affected fiscal year and an accompanying statement which explains such variations from the anticipated amount.

13. By September 30 of each year, the Judicial Branch shall submit a report to the Interim Joint Committee on Appropriations and Revenue which details the amount of arrest fees assessed and remitted to each local law enforcement agency for the preceding fiscal year. This report shall be submitted in electronic format.

14. By September 30 of each year, the Judicial Branch shall submit a report detailing the amount and nature of uncollected court fees for the preceding fiscal year. This report shall be submitted in electronic format.

15. The Administrative Office of the Courts shall take such actions as necessary to collect, at a minimum, $4,000,000 in fiscal year 2003-2004 from Master Commissioners' local operating accounts. All moneys collected from this source in each fiscal year shall be transferred to the credit of the General Fund Surplus Account.

16. The Administrative Office of the Courts shall conduct a comprehensive study of the Court's system and the allocation of judgeships for Circuit Courts; Circuit Courts, Family Divisions; District Courts; Drug Courts; the use of Domestic Relations Commissioners; and the cost for access to the courts. The study shall include but will not be limited to redistricting, jurisdictional designations, jurisdictional amounts, caseload distributions, placement of new judgeships, and temporary judgeships for caseload reductions. This study shall be reported to the Interim Committees on Appropriations and Revenue and Judiciary no later than December 15, 2004.

PART IV

BUDGET REDUCTION OR SURPLUS EXPENDITURE PLAN

The Judicial Branch shall participate in any Budget Reduction Plan or Surplus Expenditure Plan in accordance with the provisions of KRS Chapter 48.

Representative Moberly moved that the House refuse to concur in the Senate Committee Substitute to **HB 396**. Agreed.

The House refused to concur in Senate Committee Substitute to **HB 396**.

The Speaker appointed the following members to Conference Committees for **HB 395** and **HB 396**: Representatives Moberly, Thomas, Barrows, L. Clark, Callahan, Adkins, Couch, Vincent, and Rader.

Representative Ford moved that the rules be suspended to act upon **SB 245**.

The Speaker ruled that the motion was out of order.

Orders of the Day (Continued)

SB 75, with Committee Substitute and House Floor Amendment attached thereto, taken from the Orders of the Day.

The Speaker announced the allotted time for this order of business was ending.

Floor Amendments

House Floor Amendment No. 5 to the House Committee Substitute to **SB 1**, by Representative Yonts:

SB 1, On page 1 , line 13, by deleting "***two hundred fifty thousand dollars ($250,000)***" and inserting "***five hundred thousand dollars ($500,000)***" in lieu thereof; and

On page 1 , line 15, by deleting "***two hundred fifty thousand dollars ($250,000)***" and inserting "***five hundred thousand dollars ($500,000)***" in lieu thereof.

House Floor Amendment No. 4 to **SB 17**, by Representative Burch:

SB 17, On page 1, after line 18, by inserting the following:

"Section 2. KRS 205.540 is amended to read as follows:

(1) An Advisory Council for Medical Assistance shall be established in the state government. The council shall consist of ***nineteen (19)***[~~eighteen (18)~~] members. The secretary for health services shall be an ex officio member. The other ***eighteen (18)***[~~seventeen (17)~~] members of the council shall be appointed by the Governor and shall hold office for a term of four (4) years and until their successors are appointed and qualify, except that the members appointed to fill the first vacancy occurring for a term beginning on July 1, 1960, shall be as follows: Two (2) members shall be appointed for one (1) year, two (2) for two (2) years, two (2) for three (3) years, and three (3) for four (4) years, and the respective terms of the first members shall be designated by the Governor at the time of their appointments. Upon the expiration of the respective terms of the members first appointed, the term of each successor shall be for four (4) years and until his successor is appointed and qualified. ***Eleven (11)***[~~Ten (10)~~] of the appointments shall be made one (1) from each list of three (3) nominees submitted by the following organizations: the Kentucky State Medical Association; the Kentucky Dental Association; the Kentucky Hospital Association; the Kentucky Pharmacists Association; the Kentucky Association of Health Care Facilities; the Kentucky Nurses' Association; the State Board of Podiatry; the Kentucky Home Health Association; the Kentucky Optometric Association; ***the Kentucky Association of Adult Day Centers;*** and the Kentucky Association of Nonprofit Homes and Services for the Aging, Inc. The other seven (7) appointive members shall be health-care advocates knowledgeable about health care and the health-care industry, and shall include three (3) medical assistance recipients, one (1) representative of a recognized consumer advocacy group representing the elderly; and three (3) representatives of recognized consumer advocacy groups whose membership includes low-income persons, children and youth, women, minorities, and disabled persons.

(2) Each appointive member of the council shall serve without compensation but each council member not otherwise compensated for his time or expenses shall be entitled to reimbursement for his actual and necessary expenses in carrying out his duties with reimbursement for expenses being made in accordance with state regulations relating to travel reimbursement.

(3) Vacancies shall be filled for the unexpired term in the same manner as original appointments, maintaining representations as set out in subsection (1) of this section.

(4) The council shall elect a chairman, vice chairman, and secretary from among its members at its first regular meeting in each fiscal year and shall adopt rules governing its proceedings. The council shall hold a meeting at least once every three (3) months and such other special or regular meetings as may be desired.

(5) No consumer member of the council shall have a fiduciary relationship or interest in any health-care facility or service.".

House Floor Amendment No. 12 to the House Committee Substitute to **SB 245**, by Representative Wilkey:

SB 17, On page 1, at lines 22 and 23, by deleting those lines in their entirety, and by inserting the following in lieu thereof:

"***(5) Only a marriage between one man and one woman shall be valid or recognized as a marriage in Kentucky; the power of the General Assembly to define any relationship conferring marital benefits shall remain inviolate; and the courts of this Commonwealth shall not determine otherwise.***"; and

On page 1, at line 24, by deleting that line in its entirety; and

On page 2, at lines 1 to 12, by deleting those lines in their entirety; and

On page 2, at line 13, by renumbering "Section 3" as "Section 2"; and

On page 3, at line 3, by renumbering "Section 4" as "Section 3".

Adjournment

Representative Adkins moved that when the House does adjourn it does so until 12:00 p.m., Monday, April 12, 2004. Agreed.

Representative Adkins moved that the House adjourn.

On the roll call to adjourn the vote was: **Yeas 48, Nays 40**. (See March 29, 2004, roll call to adjourn - Appendix.)

MONDAY, APRIL 12, 2004

FIFTY-NINTH LEGISLATIVE DAY

The House was called to order by Speaker Richards.

Prayer by Dr. James Stillwell, Immanuel Baptist Church, Lexington, Kentucky.

The Speaker led the members in the Pledge of Allegiance to the Flag.

Kelly Howard sang "My Old Kentucky Home."

The roll was called. All members present except Representatives R. Adams and Crimm.

Representative Ballard moved that the absent members be granted leave of absence in accordance with the rules of the House. Agreed.

Representative Ballard moved that the reading of the Journal of March 29, 2004, be dispensed with and the same approved. Agreed.

Representative Ballard moved that the Rules be suspended for the purpose of making a motion concerning co-sponsors. Agreed.

Representative Ballard moved that all properly filed co-sponsor requests be approved. Agreed.

Senate Message

Announcing passage of **SCR 115, HCR 190, HB 96, 135, 305, 342, 398, 406, 427, 447, 517, 571, 609, 685, HCR 27, HJR 207,** and **218**.

Message received in regard to **HB 258**: The Senate has passed **HB 258** by way of Senate Committee Substitute with the following Senate Committee Amendment No. 1 Title and respectfully requests concurrence of this Honorable Body.

Message received in regard to **HB 376**: The Senate has passed **HB 376** by way of Senate Committee Substitute and respectfully requests concurrence of this Honorable Body.

Message received in regard to **HB 396**: The Senate has receded from the Senate Committee Substitute and its amendments to **HB 396** and has passed the bill. (12:10 p.m.)

Representative Rand moved that the rules be suspended to grant floor privileges and to act upon a Legislative Citation. Agreed.

Representative Rand moved the adoption of the following **Legislative Citation No. 126**.

The House of Representatives of the Commonwealth of Kentucky hereby recognizes and honors Eminence Middle School whose Junior Beta Club has included members who have been elected to the office of Junior Beta Club State Vice President for the past three years. Inasmuch as this prestigious state office was held by Courtney LeAnn Wills in 2002-2003 and by Whitney Faith Jamison in 2003-2004 and is currently held by Kassidy Rae Dees for the 2004-2005 academic year, these outstanding young scholars, along with their sponsor Donna G. McClamroch and Superintendent David Baird, are the recipients of highest praise for the hard work and effort they have put forth to represent their school and community. The members of this honorable body are delighted to join Representative Rick Rand in applauding Eminence Middle School, along with its faculty, staff and students, for providing outstanding support to the Junior Beta Club and in extending warmest wishes for the utmost success and good fortune. Done in Frankfort, Kentucky, this twelfth day of April, in the year two thousand and four.

Legislative Citation No. 126 was adopted without objection.

Representative Stacy moved that the rules be suspended to grant floor privileges and to act upon a Legislative Citation. Agreed.

Representative Stacy moved the adoption of the following **Legislative Citation No. 130**.

The House of Representatives of the Commonwealth of Kentucky hereby offers its sincere congratulations to the members and coaching staff of the Morgan County High School Cougars Basketball Team and welcomes them to the chambers of this body to be honored on this day of the 2004 Regular Session of the Kentucky General Assembly for their outstanding performance during the 2003-2004 season which culminated in them being named the Eastern Kentucky Conference Season Champions; winning the KHSAA 61st District and Region XVI tournament titles; advancing for the first time in school history to the National

City/KHSAA Sweet 16 Boys Basketball Tournament; maintaining the longest winning streak in school history with 20 straight victories; and, finishing the season with an impressive overall record of 28-5, also the best in school history. Inasmuch as these outstanding young athletes, who achieved all this despite losing 95% of their scoring production and 92% of their rebounding production due to the graduation of their top six players from the year before, have demonstrated phenomenal talent and perseverance and, as a result, have brought tremendous honor to their families, their school, and their community by the effort put forth during this historic season, the members of this honorable body are delighted to join Representative John Will Stacy in applauding the 2003-2004 MCHS Cougars and in extending best wishes for their continued success and good fortune. Done in Frankfort, Kentucky, this twelfth day of April, in the year two thousand and four.

Legislative Citation No. 130 was adopted without objection.

Report On Enrolled Bills

The Committee on Enrollment reported that **SB 95, 111,** and **145** have been examined and found correctly enrolled. Said Bills were read at length, compared and signed in open session by the Speaker, and ordered delivered to the Senate. (Time - 12:35 p.m.)

Representative Adkins moved that the rules be suspended and that **SB 100** and **251** be recommitted to the Committee on Appropriations and Revenue.

Senate Message

Message received in regard to **HB 395**: The Clerk refused to accept **HB 395** with the Senate letter, stating that it violated House Rules and Mason's Rules. (12:30 p.m.)

Representative Adkins moved that the rules be suspended to allow the Committee on Appropriations and Revenue to meet upon recess in Room 131. Agreed.

Representative Adkins moved the House recess until 4:00 p.m. Agreed.

Recess

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Report On Enrolled Bills

The Committee on Enrollment reported that **HB 96, 135, 305, 342, 398, 406, 427, 447, 517, 571, 609, 685, HCR 27, 190, HJR 207, 218,** and **HB 396** have been examined and found correctly enrolled. Said Bills and Resolutions were read at length, compared and signed in open session by the Speaker, and ordered delivered to the Senate. (Time - 4:45 p.m.)

Representative Adkins moved that the Clerk read introductions and postings of Bills and Resolutions, Committee reports, veto messages, and referrals. Agreed.

Introduction of Bills and Resolutions

HR 278, by Representative Pullin: A RESOLUTION urging the Legislative Research Commission to appoint two cable industry representatives to the Kentucky Broadband Task Force.

HR 279, by Representative Callahan: A RESOLUTION recognizing the Newport Aquarium's First Annual Turtle Derby.

HR 280, by Representative Coleman: A RESOLUTION honoring Charles "Pat" Patrick.

HR 282, by Representative Adkins: A RESOLUTION honoring President Ronald G. Eaglin upon his retirement as the President of Morehead State University.

HR 283, by Representative Stein: A RESOLUTION adjourning the House of Representatives in honor of Barbara Adams.

HR 284, by Representative Collins: A RESOLUTION adjourning the House of Representatives in loving memory and honor of Lucian Thomas "L. T." Hardin.

HR 277, by Representative Nesler: A RESOLUTION adjourning the House of Representatives in loving memory and honor of Kenedy Brooke Ellegood.

HR 281, by Representative Pullin: A RESOLUTION urging the Legislative Research Commission to appoint two cable industry representatives to the Kentucky Broadband Task Force.

Reference of Bills and Resolutions

The Clerk reported that the Committee on Committees has referred the following Resolutions:

House Floor: **HR 273, 274, 275, 276**

Veto Message

The Veto Message on **HB 262** is as follows:

I, Ernie Fletcher, Governor of the Commonwealth of Kentucky, pursuant to the authority vested in me under Section 88 of the Kentucky Constitution, do hereby veto the following parts of House Bill 262, which, by its title and in its substance, is an appropriation bill subject to the line item veto provisions afforded the Governor under Section 88:

- Page 2, line 26, beginning with "by" and ending with "selected"
- Page 2, line 27, beginning with "through" and ending on page 3, line 1, with "services"
- Page 3, line 16, through page 4, line 4, in their entirety
- Page 4, lines 11 through 15, in their entirety
- Page 4, line 18, through page 5, line 5, in their entirety

I veto these parts because the services for blind and disabled persons to read audio editions of newspapers, magazines, newsletters, schedules, announcements, and other information can best be accomplished through existing governmental agencies. Accordingly, I have directed the Secretary of the Education Cabinet to implement and fund the advancements that are contained in the bill using existing governmental agencies and without the mechanisms included in the parts that have been vetoed herein. Done this 9th day of April, 2004 at 2:30 p.m.

Report of Committees

The Committee on Appropriations and Revenue reported **SB 100**, with Committee Substitute and Committee Amendments attached thereto, **SB 251**, with Committee Substitutes and Committee Amendment attached thereto, with the expression of opinion that the same should pass. Reported to the Committee on Rules.

The House Committee Substitute to **SB 100** is as follows:

SB 100, AN ACT relating to reading, making an appropriation therefor, and declaring an emergency.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

PART I

OPERATING BUDGET

(1) **Funds Appropriations:** There is appropriated out of the General Fund, Road Fund, Restricted Funds accounts, or Federal Funds accounts for the fiscal year ending June 30, 2004, for the fiscal year beginning July 1, 2004, and ending June 30, 2005, and for the fiscal year beginning July 1, 2005, and ending June 30, 2006, the following discrete sums, or so much thereof as may be necessary. Appropriated funds are included pursuant to KRS 48.700 and 48.710. Each appropriation is made by source of respective fund or funds accounts. Appropriations for the following officers, cabinets, departments, boards, commissions, institutions, subdivisions, agencies, and budget units of the state government, and any and all other activities of the government of the Commonwealth, are subject to the provisions of Chapters 12, 42, 45, and 48 of the Kentucky Revised Statutes and compliance with the conditions and procedures set forth in this Act.

(2) **Tobacco Settlement Funds:** Appropriations identified as General Fund (Tobacco) in Part I, Operating Budget, are representative of the amounts provided in Part X, Phase I Tobacco Settlement, and are not to be appropriated in duplication.

A. GENERAL GOVERNMENT

Budget Units

1. EXECUTIVE OFFICE OF THE GOVERNOR

a. Office of the Governor

	2004-05	2005-06
General Fund	5,950,800	7,385,700
Restricted Funds	1,311,100	-0-
TOTAL	7,261,900	7,385,700

(1) **Expenses of Governor and Lieutenant Governor:** Included in the above General Fund appropriation is $417,500 in fiscal year 2004-2005 and $417,500 in fiscal year 2005-2006 in the Office of the Lieutenant Governor for personnel and operating expenses, including the Lieutenant Governor's expense allowance. Included in the above General Fund appropriation is $18,000 in fiscal year 2004-2005 and $18,000 in fiscal year 2005-2006 for the Governor's expense allowance and $10,000 in fiscal year 2004-2005 and $10,000 in fiscal year 2005-2006 for the Lieutenant Governor's expense allowance to meet additional expenses associated with the position of Governor of Kentucky and the position of Lieutenant Governor as specified in KRS 64.710.

(2) **Residence of Lieutenant Governor:** Notwithstanding KRS 42.037, effective December 8, 2003, the Secretary of the Finance and Administration Cabinet shall expend no state funds for a residence for the Lieutenant Governor, except for expenses necessary to maintain property owned by the Commonwealth. Notwithstanding KRS 42.037, 30 days after the effective date of this Act, the Secretary of the Finance and Administration Cabinet shall expend no state funds for staff or services for the residence of the Lieutenant Governor, other than expenses necessary to maintain property owned by the Commonwealth.

(3) **Vehicle for Lieutenant Governor:** The Governor shall provide the Lieutenant Governor a vehicle pursuant to KRS 44.045(1).

(4) **State Police Services for Lieutenant Governor:** The Department of State Police shall not provide security or transportation services to the Lieutenant Governor unless the Commissioner of the Department of State Police makes a determination that specific security measures are warranted or the Governor allocates executive security to the Lieutenant Governor from the current complement of the Kentucky State Police sworn officers assigned directly to the Governor.

(5) **Housing Allowance for the Lieutenant Governor:** Included in the above General Fund appropriation for the Office of the Governor, Lieutenant Governor's Office, is a housing allowance of up to, but not to exceed, $1,000 monthly. The maximum annual General Fund appropriation of $12,000 in fiscal year 2004-2005 and $12,000 in fiscal year 2005-2006 is included in the above appropriation.

b. Office of State Budget Director

	2004-05	2005-06
General Fund	2,285,500	4,323,800
Restricted Funds	1,842,000	-0-
TOTAL	4,127,500	4,323,800

c. State Planning Fund

	2004-05	2005-06
General Fund	-0-	-0-

(1) **State Planning Fund Repeal:** Notwithstanding KRS 48.310, the following KRS sections are repealed:

147.070	State planning functions of Governor's Cabinet.
147.075	State Planning Committee.
147.090	Preparation and coordination of major state improvement projects.
147.100	Miscellaneous projects.
147.110	Use of federal funds and state planning funds.
147.120	Records – Employees – Expenses.

TOTAL - EXECUTIVE OFFICE OF THE GOVERNOR

	2004-05	2005-06
General Fund	8,236,300	11,709,500
Restricted Funds	3,153,100	-0-
TOTAL	11,389,400	11,709,500

2. DEPARTMENT OF PERSONNEL

a. General Operations

	2004-05	2005-06
General Fund	4,674,100	9,779,700

Restricted Funds	12,373,600	12,956,900
TOTAL	17,047,700	22,736,600

(1) **Monthly Per Employee Health Insurance Benefits Assessment:** Notwithstanding KRS 18A.015(2), (3), and (4), the Department of Personnel shall collect a benefits assessment per month per employee eligible for health insurance coverage in the state group as contained in Appendix B of the budget instructions promulgated by the Legislative Research Commission and communicated to agencies by the Office of State Budget Director for duly authorized use by the Department of Personnel in administering its statutory and administrative responsibilities, including but not limited to administration of the Commonwealth's health insurance program.

(2) **Debt Service:** Included in the above General Fund appropriation is $3,562,000 in fiscal year 2005-2006 for debt service to support new bonds as set forth in Part II of this Act.

(3) **Flexible Benefit Account:** Notwithstanding KRS 18A.225(2)(g), any funds from the calendar year 2004 and calendar year 2005 public employee health insurance program accruing to the Flexible Benefit Account, not otherwise appropriated in fiscal year 2005-2006, and in excess of the amount reflected in Part V of this Act shall be credited to the General Fund Surplus Account.

(4) **Combined Health Insurance Coverage**: In the event that both an employee and his or her spouse are both eligible for an employer contribution toward the purchase of health insurance from a state agency, local school district, or the Kentucky Employees Retirement System, the Commissioner of Personnel shall provide the option for them to combine both employer contributions and purchase a plan and level of coverage they desire under the state health insurance group. The couple shall designate one member as the lead employee member and the employer contribution made on behalf of that lead employee member shall be the same amount as for an employee selecting the same type and level of coverage that does not have a spouse making a combined contribution. The employer contribution for the remaining spouse shall be the same amount as for an employee selecting the single plan with the standard level of coverage.

(5) **State Agencies' Health Insurance Supplemental Funding**: Included in the above General Fund appropriation is $1,470,500 in fiscal year 2004-2005 and $3,014,100 in fiscal year 2005-2006 for State Agencies' Health Insurance Supplemental Funding. The Commissioner of Personnel, in consultation with the State Budget Director, shall determine the amount of funds necessary by budget unit to provide for the health insurance adjustment. The State Agencies' Health Insurance Supplemental Funding shall be supplemented by Restricted Agency Funds, Federal Funds, the Road Fund, and other General Fund amounts otherwise appropriated to state agencies in order to provide for the health insurance adjustment. The Commissioner of Personnel, upon approval by the State Budget Director, shall notify the Secretary of the Finance and Administration Cabinet of the respective amount of General Fund from the State Agencies' Health Insurance Supplemental Funding to transfer to each affected budget unit, and such funds shall be transferred. The Commissioner of Personnel and the State Budget Director shall report to the Interim Joint Committee on Appropriations and Revenue regarding the implementation of this provision on a timely basis.

b. **Kentucky Public Employees Deferred Compensation Authority**

	2004-05	**2005-06**
Restricted Funds	5,133,200	5,648,600

c. **Workers' Compensation Benefits And Reserve**

	2004-05	**2005-06**
Restricted Funds	24,666,800	27,931,500

(1) **Appropriation Estimates:** The above appropriations represent estimates of the funds necessary to operate this program. If additional funds are required to adequately maintain this program, the necessary Restricted Funds are appropriated, subject to the conditions and procedures provided in this Act.

d. **Health Insurance COLA Account**

	2004-05	**2005-06**
General Fund	5,800,300	20,109,800

(1) **Employee Health Insurance COLA Account:** Included in the above General Fund appropriation is $5,800,300 in fiscal year 2004-2005 and $20,109,800 in fiscal year 2005-2006 to establish the Employee Health Insurance Cost-of-Living Adjustment (COLA) Account. These funds shall be distributed to state agencies to provide an Employee Health Insurance COLA as prescribed in Part IV of this Act. Funding is included for the Revenue Department to support this COLA for Property Valuation Administrators (PVA) employees. Any funds not distributed to state agencies from this account in fiscal year 2004-2005 shall not lapse and shall be carried forward in this account to fiscal year 2005-2006. The General Fund appropriation for the Health Insurance COLA Account shall be supplemented by Restricted Agency Funds, Federal Funds, the Road Fund, and other General Fund amounts appropriated in Part I of this Act that are otherwise available to state agencies and shall be used to provide for the adjustment under this section. The Road Fund appropriation for the Transportation Cabinet budget units shall be used to fund the cost of the employee Health Insurance COLA for its employees.

TOTAL - DEPARTMENT OF PERSONNEL

	2004-05	**2005-06**

General Fund	10,474,400	29,889,500
Restricted Funds	42,173,600	46,537,000
TOTAL	52,588,000	76,426,500

3. DEPARTMENT OF VETERANS' AFFAIRS

	2004-05	2005-06
General Fund	15,358,800	15,458,800
Restricted Funds	21,657,000	22,417,000
TOTAL	37,015,800	37,875,800

(1) **Weekend and Holiday Premium Pay Incentive:** The Kentucky Veterans' Centers are authorized to continue the weekend and holiday premium pay incentive component of the Personnel Pilot Program for the 2004-2006 fiscal biennium.

(2) **Carry Forward of General Fund Appropriations:** Notwithstanding KRS 45.229, the unexpended balance of the General Fund appropriation provided to the Eastern Kentucky Veterans' Center, the Western Kentucky Veterans' Center, and the Thompson/Hood Veterans' Center in fiscal year 2003-2004 shall not lapse and shall be carried forward into fiscal year 2004-2005.

(3) **Congressional Medal of Honor Recipients - Travel and Per Diem:** The Commissioner of the Department of Veterans' Affairs may approve travel and per diem expenses incurred when Kentucky residents who have been awarded the Congressional Medal of Honor attend veterans, military, or memorial events in the Commonwealth of Kentucky.

4. GOVERNOR'S OFFICE OF AGRICULTURAL POLICY

	2004-05	2005-06
General Fund (Tobacco)	35,100,800	33,099,300
General Fund	-0-	1,796,000
Restricted Funds	520,600	515,600
TOTAL	35,621,400	35,410,900

(1) **Tobacco Settlement Funds – Allocations:** Notwithstanding KRS 248.703(2)(b)2., and from the allocation provided therein, included in the above appropriation is up to $1,600,000 in fiscal year 2004-2005 and $1,600,000 in fiscal year 2005-2006 for the University of Kentucky Cooperative Extension Service to support the cost of providing a one-time bonus in each fiscal year for county extension agents in addition to any salary adjustments which may be made. Bonuses provided to county extension agents shall be provided in equal amounts to each county extension agent.

(2) **Tobacco Settlement Funds - Allocations:** Notwithstanding KRS 248.711(2), and from the allocation provided therein, counties that are allocated in excess of $20,000 annually may provide up to four percent of the individual county allocation, not to exceed $15,000 annually, to the county council in that county for administrative costs directly related to the performance of the duties prescribed in KRS 248.721. Administrative costs shall include only those expenditures that are directly related to the evaluation of needs, development of plans identifying programs in the county in need of agricultural development, and assisting applicants in obtaining money from the Agricultural Development Fund. Expenditures that are not directly attributable to the county council, and expenditures attributable to the operations of the county extension service, are not administrative costs.

(3) **New Economy Initiatives:** The Agricultural Development Board is encouraged to work with the Economic Development Cabinet to provide up to $5,000,000 each year of the biennium to fund the Natural Products Investment Fund.

(4) **Debt Service:** Included in the above General Fund appropriation is $1,796,000 in fiscal year 2005-2006 for new bonds as set forth in Part II of this Act.

5. KENTUCKY INFRASTRUCTURE AUTHORITY

	2004-05	2005-06
General Fund (Tobacco)	-0-	6,000,000
General Fund	-0-	8,114,000
Restricted Funds	3,726,500	3,714,200
Federal Funds	50,322,000	50,339,000
TOTAL	54,048,500	68,167,200

(1) **Federally Assisted Wastewater Revolving Loan Fund Program:** Included in the above General Fund appropriation is $802,000 in fiscal year 2005-2006 for debt service to support $8,400,000 in bonds to match $42,000,000 in Federal Funds for the Federally Assisted Wastewater Revolving Loan Fund program (Fund A).

(2) **Safe Drinking Water State Revolving Loan Fund Program:** Included in the above General Fund appropriation is $727,000 in fiscal year 2005-2006 for debt service to support $7,600,000 in bonds to match $38,000,000 in Federal Funds for the Safe Drinking Water State Revolving Loan Fund program (Fund F). The Federal Funds for this program are appropriated in the operating budget to comply with the Federal Cash Management Act. The required state matching funds are appropriated as Bond

Funds in Part II, Capital Projects Budget, of this Act.

(3) Water and Sewer Resources Development Fund: Included in the above General Fund appropriation is $4,767,000 in fiscal year 2005-2006 for debt service to support an additional $50 million in state bonds for the Water and Sewer Resource Development Fund.

(4) Water and Sewer Resources Development Fund for Tobacco Counties: Included in the above General Fund (Tobacco) appropriation is $6,000,000 in fiscal year 2005-2006, and included in the above General Fund appropriation is $1,818,000 in fiscal year 2005-2006, for debt service for the Water and Sewer Resources Development Fund for Tobacco Counties in Part II, Capital Projects Budget. Future debt service payments for the Water and Sewer Resources Development Fund for Tobacco Counties shall be provided from the General Fund.

6. MILITARY AFFAIRS

	2003-04	2004-05	2005-06
General Fund	-0-	10,572,700	10,997,700
Restricted Funds	5,946,300	55,536,600	59,441,400
Federal Funds	-0-	59,327,000	61,870,500
TOTAL	5,946,300	125,436,300	132,309,600

(1) Current Year Appropriation: Included in the above Restricted Funds appropriation is $5,946,300 in fiscal year 2003-2004 for additional receipts anticipated in Self-Sustaining/Commercial Operations of the Bluegrass Station as a result of two new Department of Defense contracts.

(2) Federal Defense Contract: Included in the above Restricted Funds appropriation is $31,890,600 in fiscal year 2004-2005, and $32,195,100 in fiscal year 2005-2006 for expanded federal defense contract activity at Bluegrass Station and the Central Clothing Distribution Facility.

(3) Debt Service: Included in the above General Fund appropriation is $425,000 in fiscal year 2005-2006 for debt service to support new bonds as set forth in Part II of this Act.

(4) Kentucky National Guard: There is appropriated from the General Fund the necessary funds to be expended, subject to the conditions and procedures provided in this Act, which are required as a result of the Governor's call of the Kentucky National Guard to active duty when an emergency or exigent situation has been declared to exist by the Governor. These necessary funds shall be made available from the General Fund Surplus Account (KRS 48.700) or the Budget Reserve Trust Fund Account (KRS 48.705).

(5) Disaster or Emergency Aid Funds: There is appropriated from the General Fund the necessary funds, subject to the conditions and procedures in this Act, which are required to match federal aid to which the state would be eligible in the event of a presidentially declared disaster or emergency. These necessary funds shall be made available from the General Fund Surplus Account (KRS 48.700) or the Budget Reserve Trust Fund Account (KRS 48.705).

7. COMMISSION ON HUMAN RIGHTS

	2003-04	2004-05	2005-06
General Fund	-0-	1,904,300	1,904,300
Restricted Funds	-0-	5,500	10,500
Federal Funds	58,800	268,400	212,900
TOTAL	58,800	2,178,200	2,127,700

(1) Current Year Appropriation: Included in the above Federal Funds appropriation is $58,800 in fiscal year 2003-2004 to provide for contract obligations related to federal civil rights enforcement.

8. COMMISSION ON WOMEN

	2004-05	2005-06
General Fund	263,200	263,200
Restricted Funds	22,800	13,000
TOTAL	286,000	276,200

9. LOCAL GOVERNMENT

	2004-05	2005-06
General Fund	10,367,200	10,217,200
Restricted Funds	1,072,000	639,600
Federal Funds	52,430,800	52,430,800
TOTAL	63,870,000	63,287,600

(1) Flood Control Matching Fund Project Review: The Department for Local Government shall transmit a copy of the application for a flood-related project to be funded from the flood control matching fund to the Environmental and Public

Protection Cabinet with a request for a review of the project pursuant to KRS Chapter 151.

(2) **Cemetery Preservation:** In the 2004-2006 biennium, up to $500,000 in funds collected pursuant to KRS 48.005(5) shall be appropriated and transferred to the County Cemetery Fund. Notwithstanding KRS 48.005(5)(b), any amounts in excess of $500,000 shall be deposited in the General Fund Surplus Account. The Attorney General shall provide notice to the Governor's Office for Policy and Management and the Legislative Research Commission of the nature of any funds deposited in this account. Included within the above Restricted Funds appropriation is $50,000 in fiscal year 2004-2005 for the Fayette County African Cemetery #2 and included in the above Restricted Funds appropriation is $50,000 in fiscal year 2004-2005 for the Fayette County Cove Haven Cemetery. Both the African Cemetery #2 and the Cove Haven Cemetery are to match these funds with in-kind support. The in-kind match for both cemeteries shall be certified to the Department for Local Government.

The remaining funds shall be made available for grants for cemetery preservation initiatives, subject to a one-to-one dollar local cash match certified to the Department for Local Government. Grant applications may be made by an agency of the Commonwealth; a city, county, urban-county, charter county, or consolidated local government; a not-for-profit cemetery; a not-for-profit historical or genealogical organization; or a not-for-profit local community or civic group.

(3) **Prior Grant Commitments:** The Department for Local Government shall honor all written commitments to grant recipients previously made, as long as funds are available.

(4) **Interim Reporting:** Prior to the distribution of any grant funds, from any program administered by the department, the Commissioner of the Department for Local Government shall report to the Interim Joint Committee on Appropriations and Revenue concerning the procedures, policies, and methods used to determine the amount of grant awards and the recipients.

(5) **Renaissance Kentucky Program:** The Department for Local Government shall honor all of the Renaissance Kentucky written commitments to local governments that were made by the Kentucky Housing Corporation prior to the Department for Local Government canceling the memorandum of agreement with the Kentucky Housing Corporation and transferring the management of the program. The amount of Bond Funds remaining unspent when the memorandum of agreement was canceled was $7,307,000. Any amount in excess of the commitments previously issued by the Kentucky Housing Corporation shall be retained and issued to additional pending requests, pursuant to the Renaissance Kentucky guidelines.

(6) **Bluegrass State Games:** Included in the above General Fund appropriation is $25,000 in fiscal year 2004-2005, and $25,000 in fiscal year 2005-2006, for the Bluegrass State Games.

(7) **Hopkins County Exposition Center:** Included in the above General Fund appropriation is $150,000 in fiscal year 2004-2005 for planning and design of an Exposition Center in Hopkins County.

10. SPECIAL FUNDS

a. Local Government Economic Assistance Fund

	2004-05	2005-06
General Fund	32,451,700	32,157,200

b. Local Government Economic Development Fund

	2004-05	2005-06
General Fund	29,857,700	25,290,300

(1) **Coal Severance Tax Collections Calculations and Transfers:** The above appropriations from the General Fund are based on the official estimate presented by the Office of State Budget Director for coal severance tax collections during the biennium, distributed in accordance with KRS 42.450 to 42.495.

(2) **Trover Clinic Grant:** Notwithstanding KRS 42.4585, the quarterly calculation and transfer of the funds pursuant to KRS 42.4585 shall be made only after each quarterly installment of the annual appropriation of $1,000,000 in fiscal year 2004-2005 and $1,000,000 in fiscal year 2005-2006 has been credited to the Trover Clinic Grant within the Department for Local Government.

(3) **West Kentucky Corporation and East Kentucky Corporation:** Notwithstanding KRS 42.4588, funds totaling $467,000 in fiscal year 2004-2005 and fiscal year 2005-2006 shall be transferred from the Local Government Economic Development Fund Multi-County Fund to the West Kentucky Corporation. Notwithstanding KRS 42.4588, funds totaling $467,000 in fiscal year 2004-2005 and fiscal year 2005-2006 shall be transferred from the Local Government Economic Development Fund Multi-County Fund to the East Kentucky Corporation.

(4) **Department for Regional Development:** Notwithstanding KRS 42.4592, the quarterly calculation of the allocation of moneys to coal-producing counties through the Local Government Economic Development Fund pursuant to KRS 42.4592 shall be made only after each quarterly installment of the annual appropriation of $755,400 in fiscal year 2004-2005 and $768,500 in fiscal year 2005-2006 is allotted as a General Fund appropriation to the Department for Regional Development within the Cabinet for Economic Development.

(5) **Kentucky Wood Products Competitiveness Corporation:** Notwithstanding KRS 42.4586, no funds shall be transferred to the Secondary Wood Products Development Fund.

(6) **Kentucky Workers' Compensation Funding Commission:** Notwithstanding KRS 342.122(1)(c), $19,000,000 from the General Fund shall not be credited to the benefit reserve fund within the Kentucky Workers' Compensation Funding

Commission in fiscal year 2004-2005 and fiscal year 2005-2006.

(7) **High-Tech Construction/Investment Pools:** Notwithstanding KRS 42.4592, the quarterly calculation of the allocation of moneys to coal-producing counties through the Local Government Economic Development Fund pursuant to KRS 42.4592 shall be made only after each quarterly installment of the annual appropriation of $3,625,000 in fiscal year 2004-2005 and $3,500,000 in fiscal year 2005-2006 is allotted as a General Fund appropriation to the Office for the New Economy. These funds will be allocated to the high-tech construction/investment pools created under KRS 154.12-278. Notwithstanding KRS 42.4588(4) and (5), these funds will be used for projects and programs recommended by the Office of the Commissioner for the New Economy in the Economic Development Cabinet. The projects identified are limited to research and development, commercialization, or work-related initiatives consistent with the character of the high-tech construction and high-tech investment pools administered by the Office for the New Economy. Investment and construction pool projects shall be targeted solely to Kentucky's Local Government Economic Development Fund eligible counties.

(8) **School Facilities Construction Commission:** Notwithstanding KRS 42.4592, the quarterly calculation of the allocation of moneys to coal-producing counties through the Local Government Economic Development Fund pursuant to KRS 42.4592 in fiscal year 2004-2005 shall be made only after funds totaling $3,235,500, and in fiscal year 2005-2006 shall be made only after funds totaling $4,617,900, is allotted as a General Fund appropriation to the School Facilities Construction Commission to provide debt service to support previously authorized bonds.

(9) **Kentucky Infrastructure Authority:** Notwithstanding KRS 42.4592, the quarterly calculation of the allocation of moneys to coal-producing counties through the Local Government Economic Development Fund pursuant to KRS 42.4592 shall be made only after each quarterly installment of the annual appropriation of $1,906,800 in fiscal year 2005-2006 is allotted as a General Fund appropriation to the Kentucky Infrastructure Authority to provide General Fund debt service to support Bond Funds for the Water and Sewer Resources Development Fund for Coal Producing Counties - Phase II.

Notwithstanding KRS 42.4588, $2,860,200 in fiscal year 2005-2006 shall be transferred from the Local Government Economic Development Fund Multi-County Fund to the General Fund to be used by the Kentucky Infrastructure Authority to provide General Fund debt service to support Bond Funds for the Water and Sewer Resources Development Fund for Coal Producing Counties.

(10) **Debt Service:** All necessary debt service amounts shall be appropriated from the General Fund and shall be fully paid regardless of whether there are sufficient moneys available to be transferred from coal severance tax supported funding program accounts to other accounts of the General Fund.

(11) **Tourism Marketing:** Notwithstanding KRS 42.4588, $2,000,000 in fiscal year 2004-2005 shall be transferred from the Local Government Economic Development Fund Multi-County Fund to the Commerce Cabinet's Tourism Marketing program.

(12) **Governor's Early Reading Program:** Notwithstanding KRS 42.4588; funds totaling $2,000,000 in fiscal year 2004-2005 and $2,000,000 in fiscal year 2005-2006 shall be transferred from the Local Government Economic Development Fund Multi-County Fund to fund the Governor's Early Reading Program to the Department of Education.

(13) **Flood Matching Program:** Notwithstanding KRS 42.4592, the quarterly calculation of the allocation of moneys to coal-producing counties through the Local Government Economic Development Fund pursuant to KRS 42.4592 shall be made only after each quarterly installment of the annual appropriation of $1,500,000 in fiscal year 2004-2005 and fiscal year 2005-2006 is allotted as a General Fund appropriation to the Department for Local Government.

(14) **Parks Renovation Pool:** Notwithstanding KRS 42.4588, funds totaling $2,384,000 in fiscal year 2005-2006 shall be transferred to the General Fund from the Local Government Economic Development Fund Multi-County Fund to be used by the Commerce Cabinet to provide debt service to support Bond Funds for the Parks Renovation Pool.

(15) **Parameters for County Priorities:** Notwithstanding KRS 42.4592, Local Government Economic Development Fund allocations to each coal-producing county may be used to support non-recurring investments in public health and safety, for economic development, public infrastructure, information technology development and access, and public water and wastewater development with the concurrence of both the respective fiscal court and the Department for Local Government or the Kentucky Infrastructure Authority as appropriate.

(16) **Coal Waste Impoundment Study:** Notwithstanding KRS 42.4588, funds totaling $300,000 in fiscal year 2004-2005 shall be transferred from the Local Government Economic Development Fund Multi-County Fund to the Commerce Cabinet, Office of the Secretary, to contract with the University of Kentucky to conduct a Coal Waste Impoundment Study.

(17) **Prior Year Debt Service on Bond Funded Water and Sewer Resources Development Projects:** Notwithstanding KRS 42.4585, the quarterly calculation and transfer of the funds pursuant to KRS 42.4585 shall be made only after each quarterly installment of the annual appropriation of $4,095,100 in fiscal year 2004-2005 has been transferred to the General Fund to support debt service payments for Bond Funds issued in fiscal year 2003-2004 for the Water and Sewer Resources Development Fund for Coal Producing Counties.

c. **Area Development Fund**

	2004-05	**2005-06**
General Fund	809,700	809,700

(1) Appropriation Limit: Notwithstanding KRS 48.185, funds appropriated from the General Fund for the Area Development Fund shall be limited to these amounts.

TOTAL - SPECIAL FUNDS

	2004-05	2005-06
General Fund	63,119,100	58,257,200

11. EXECUTIVE BRANCH ETHICS COMMISSION

	2003-04	2004-05	2005-06
General Fund	25,000	351,500	351,500
Restricted Funds	-0-	2,400	2,400
TOTAL	25,000	353,900	353,900

(1) Current Year Appropriation: Included in the above General Fund appropriation is $25,000 in fiscal year 2003-2004 to support current operating expenditures.

12. SECRETARY OF STATE

	2004-05	2005-06
General Fund	2,224,000	2,224,000
Restricted Funds	802,900	802,900
TOTAL	3,026,900	3,026,900

(1) Carry Forward of Restricted Funds: Notwithstanding KRS 14.140, the above Restricted Funds appropriations shall not lapse and shall be used for the continuation of current activities within the General Administration unit and for the operations and staff of the Uniform Commercial Code Branch.

13. BOARD OF ELECTIONS

	2003-04	2004-05	2005-06
General Fund	-0-	1,556,200	1,566,900
Restricted Funds	-0-	57,100	57,100
Federal Funds	1,669,800	9,000,000	1,000,000
TOTAL	1,669,800	10,613,300	2,624,000

(1) Current Year Appropriation: Included in the above Federal Funds appropriation is $1,669,800 in fiscal year 2003-2004 to support increased personnel, operating, and grant expenditures necessary to implement the Help America Vote Act of 2002 (HAVA).

(2) Carry Forward of General Fund Appropriations: Notwithstanding KRS 45.229, any General Fund moneys unexpended by the State Board of Elections for the Help America Vote Act (HAVA) at the close of the fiscal year for which the funds were appropriated and otherwise made available shall not lapse but shall be carried forward into the following fiscal year, and shall be used solely for the purposes specified in Section 1 of the Help America Vote Act. Amounts in excess of those included in the General Fund continuing appropriation for this purpose, not to exceed $1,000,000, shall be deemed necessary governmental expenses and shall be paid from the General Fund Surplus Account (KRS 48.700) or the Budget Reserve Trust Fund Account (KRS 48.705).

(3) Cost of Elections: Notwithstanding KRS 116.112(7), 116.145, 117.343, and 117.345, any amount, up to $3,434,800 in fiscal year 2004-2005 and $1,479,500 in fiscal year 2005-2006, that the state is required to pay for the state's share of county election expenses (KRS 117.345) and the state's share of voter registration expenses (116.112(7), KRS 116.145, and 117.343) shall be deemed necessary governmental expenses and shall be paid from the General Fund Surplus Account (KRS 48.700) or the Budget Reserve Trust Fund Account (KRS 48.705). Notwithstanding KRS 117.345(2), the maximum state payment rate is increased from the current statutory level of $255 to $300 per precinct per election to each precinct using voting machines. Any amount that the state is required to pay for precinct election expenses under the provisions of KRS 16.112(7), 116.145, 117.343, and 117.345 shall be deemed necessary governmental expenses and shall be paid from the General Fund Surplus Account (KRS 48.700) or the Budget Reserve Trust Fund Account (KRS 48.705).

14. REGISTRY OF ELECTION FINANCE

	2004-05	2005-06
General Fund	1,409,500	1,409,500
Restricted Funds	89,200	118,000
TOTAL	1,498,700	1,527,500

15. ATTORNEY GENERAL

	2004-05	2005-06
General Fund	13,526,200	13,526,200

Restricted Funds	7,417,400	7,564,800
Federal Funds	2,382,900	2,449,000
TOTAL	23,326,500	23,540,000

(1) **Deputy and Assistant Deputy Attorneys General Salaries:** Notwithstanding KRS 15.100, the Attorney General may set the salary for the Deputy Attorney General and the salary for the three Assistant Deputy Attorneys General at a rate less than that required in KRS 15.100.

(2) **Expert Witnesses:** In addition to such funds as may be appropriated, the Office of the Attorney General may request from the Finance and Administration Cabinet, as a necessary government expense, such funds as may be necessary for expert witnesses pursuant to KRS 304.17A-095 and 367.150(8). Upon justification of the request, the Finance and Administration Cabinet shall approve up to $275,000 for the 2004-2006 fiscal biennium for this purpose to the Office of the Attorney General. The Department of Insurance shall provide the Office of the Attorney General any available information to assist in the preparation of a rate hearing pursuant to KRS 304.17A-095. Additional expert witness expenses for current and forthcoming legal actions seeking the recovery of funds for the Commonwealth of Kentucky shall be paid from the General Fund Surplus Account (KRS 48.700) or the Budget Reserve Trust Fund Account (KRS 48.705), subject to the approval of the State Budget Director.

(3) **Annual and Sick Leave Service Credit:** Notwithstanding any statutory or regulatory restrictions to the contrary, any former employee of the Unified Prosecutorial System who has been appointed to a permanent full-time position under KRS Chapter 18A shall be credited annual and sick leave based on service credited under the Kentucky Retirement System solely for the purpose of computation of sick and annual leave. This provision shall only apply to any new appointment or current employee as of July 1, 1998.

(4) **Child Sexual Abuse License Plate Revenue:** Notwithstanding KRS 186.1867, the Transportation Cabinet shall review the costs related to the distribution of child victims' license plates. Any revenue received from the sale or renewal of those plates in excess of actual costs shall be transferred to the Child Victims' Trust Fund on an annual basis.

(5) **Legal Services Contracts:** Notwithstanding KRS 12.210, state agencies shall submit any proposal for legal services to the Office of the Attorney General to determine if the legal services can be performed by the Office of the Attorney General and shall only enter into a contract with a non-governmental entity for legal services after the Office of the Attorney General has declined in writing or has failed to respond within 30 days of receipt of the proposal.

(6) **County Cemetery Fund:** In the 2004-2006 biennium, up to $500,000 in funds collected pursuant to KRS 48.005(5) shall be appropriated and transferred to the County Cemetery Fund. Notwithstanding KRS 48.005(5)(b), any amounts in excess of $500,000 shall be deposited in the General Fund Surplus Account. The Attorney General shall provide notice to the Governor's Office for Policy and Management and the Legislative Research Commission of the nature of any funds deposited in this account.

(7) **Recovery of Public Funds:** Notwithstanding KRS 15.020, 15.060, 48.005, and 367.370, or any other provision of law to the contrary, the Office of the Attorney General is authorized to accept in the name of the Commonwealth any settlement resulting from antitrust enforcement or enforcement of the Consumer Protection Act. Such settlement proceeds shall be deemed public funds and shall be deposited into an account maintained by the Finance and Administration Cabinet, except that ten percent of such proceeds, not to exceed $50,000 per settlement, shall be placed in a restricted agency account maintained by the Office of the Attorney General and used to pay costs, fees, or staffing expenses associated with such litigation. The Office of the Attorney General shall provide an annual report regarding the administration of such funds to the Legislative Research Commission.

(8) **Administrative Hearings:** Notwithstanding KRS 13B.030, in securing hearing officers as necessary to conduct administrative hearings under the jurisdiction of a state agency, as defined in KRS 13B.010(1), the state agency may employ hearing officers, contract with another agency for hearing officers, or contract with private attorneys through personal service contracts only if the Attorney General has first determined that the Office of the Attorney General cannot provide the needed hearing officers to the agency. If the Attorney General determines that the Office of the Attorney General can provide the needed hearing officers to the agency, the agency shall use the hearing officers provided by Office of the Attorney General. The expenses incurred by the Office of the Attorney General in providing the hearing officers to the agency shall be paid as specified in KRS 13B.030(2)(b). The Office of the Attorney General may add additional staff as necessary to meet the obligations of this section.

(9) **Resources:** The Office of the Attorney General may hire additional staff as necessary for the effective prosecution of legal actions for the recovery of funds by or on behalf of the Commonwealth of Kentucky, for the effective representation of the Commonwealth of Kentucky in defending against direct or collateral challenges to criminal convictions on appeal, and for the provision of assistance and advice to prosecutors in the Commonwealth of Kentucky.

16. UNIFIED PROSECUTORIAL SYSTEM

(1) **Prosecutors Advisory Council Administrative Functions:** The Prosecutors Advisory Council shall approve compensation for employees of the Unified Prosecutorial System subject to the appropriations in this Act.

a. Commonwealth's Attorneys

	2004-05	**2005-06**
General Fund	27,842,100	28,138,300
Restricted Funds	203,900	204,500

Federal Funds	605,200	633,200
TOTAL	28,651,200	28,976,000

b. **County Attorneys**

	2004-05	**2005-06**
General Fund	22,979,900	23,514,100
Restricted Funds	4,800	4,800
Federal Funds	391,700	391,700
TOTAL	23,376,400	23,910,600

TOTAL - UNIFIED PROSECUTORIAL SYSTEM

	2004-05	**2005-06**
General Fund	50,822,000	51,652,400
Restricted Funds	208,700	209,300
Federal Funds	996,900	1,024,900
TOTAL	52,027,600	52,886,600

17. TREASURY

	2004-05	**2005-06**
General Fund	2,047,700	2,067,300
Restricted Funds	778,600	793,300
Road Fund	250,000	250,000
TOTAL	3,076,300	3,110,600

(1) **Unclaimed Property Fund:** Included in the Restricted Funds appropriation above is a recurring transfer from the Unclaimed Property Fund. In each respective fiscal year of the 2004-2006 fiscal biennium, $778,600 and $793,300 is appropriated to provide funding for services performed by the Unclaimed Property Division of the Department of the Treasury.

18. AGRICULTURE

	2004-05	**2005-06**
General Fund	18,901,500	18,901,500
Restricted Funds	4,855,200	3,305,200
Federal Funds	4,162,000	4,162,000
TOTAL	27,918,700	26,368,700

(1) **Breathitt Veterinary Center and Diagnostic Laboratories:** Included in the above General Fund appropriation is $478,500 in fiscal year 2004-2005 and $478,500 in fiscal year 2005-2006 for the Breathitt Veterinary Center at Murray State University and $370,000 in fiscal year 2004-2005 and $370,000 in fiscal year 2005-2006 for the University of Kentucky for the diagnostic laboratories.

(2) **Mexico Joint Trade Office:** Included in the above General Fund appropriation is $100,000 in each fiscal year for the Agriculture/Economic Development joint trade office in Mexico.

(3) **Enforcement of Tobacco Product Sale Restrictions:** Included in the above General Fund appropriation is $260,000 in fiscal year 2004-2005 and $260,000 in fiscal year 2005-2006 to carry out the provisions of KRS 438.335.

(4) **Purchase of Agricultural Conservation Easement (PACE) Program:** The PACE board may contract directly with land surveyors, real estate appraisers, and other licensed professionals as necessary.

(5) **Operations of the Department:** The Commissioner of the Department of Agriculture shall not reduce or eliminate any program which is funded in this Act for the purpose of transferring such funds to any new program or existing programs without providing to the Interim Joint Committee on Appropriations and Revenue justification of such activities at least 60 days prior to the proposed action.

(6) **Metrology Lab Operating Fees:** The Department of Agriculture may promulgate administrative regulations establishing licensing fees, testing fees, and any other fees necessary to operate and maintain a metrology lab in the Office for Consumer and Public Service. These Restricted Funds receipts shall be utilized for personnel and operations of the metrology lab.

(7) **Ultrasound Testing:** Additional General Fund support totaling $25,000 in fiscal year 2004-2005 and $25,000 in fiscal year 2005-2006 is provided for ultrasound testing for the North American International Livestock Exposition relating to animal health.

19. AUDITOR OF PUBLIC ACCOUNTS

	2004-05	**2005-06**
General Fund	5,780,800	5,530,800

Restricted Funds	3,096,500	3,306,000
TOTAL	8,877,300	8,836,800

(1) **Auditor's Scholarships:** Notwithstanding KRS 43.200, no funding is provided for Auditor's scholarships.

(2) **Audit Services Contracts:** No state agency shall enter into any contract with a nongovernmental entity for an audit unless the Auditor of Public Accounts has declined in writing to perform the audit or has failed to respond within 30 days of receipt of a written request. The agency requesting the audit shall furnish the Auditor of Public Accounts a comprehensive statement of the scope and nature of the proposed audit.

(3) **Audit Records and Status Reports:** The Auditor of Public Accounts shall report in writing each 60 days to the Interim Joint Committee on Appropriations and Revenue the progress of all state audits, together with copies of all completed audits. The Auditor of Public Accounts shall maintain a record of all time and expenses for each audit or investigation.

(4) **Charges for Federal, State, and Local Audits:** Any additional expense incurred by the Auditor of Public Accounts for auditing Federal Funds, when the audits are mandated by a cognizant federal audit agency, shall be charged to the audited agency when the costs may be charged against Federal Funds. The Auditor of Public Accounts is authorized to increase the audit fees for conducting county audits if additional revenues are needed to continue the operation of the office. The Auditor of Public Accounts shall maintain a record of all costs and expenditures associated with this provision.

Each quarter, the Auditor of Public Accounts shall notify the Finance and Administration Cabinet concerning the collection status of the fees charged for county audits. If a county government is delinquent in its payment to the Auditor of Public Accounts, the Finance and Administration Cabinet shall withhold any moneys due that county government for the term of 120 days or until the Auditor of Public Accounts has received full payment from the county. The Auditor of Public Accounts is authorized to increase the audit fees for conducting county audits if additional revenues are needed to continue the operations of the office.

The "Single Audit Act of 1984" and the "Single Audit Act Amendments of 1996" (OMB Circular No. A-133) have changed the method by which federal moneys to state agencies are audited. As a result of this federal change, the Auditor of Public Accounts is budgeted to receive additional Agency Receipts which shall be allotted by the Governor's Office for Policy and Management for programs authorized in the enacted budget for the Auditor of Public Accounts by the 2004 General Assembly, subject to the conditions and procedures provided in this Act.

Any expenses incurred by the Auditor of Public Accounts for auditing a state or local government agency or other entity upon its request, or for performing an audit required by statute unless the audit is required by those standards governing the audit of the Commonwealth's Comprehensive Financial Report or the provisions contained in the "Single Audit Act of 1984" and the "Single Audit Act Amendments of 1996," shall be charged to the agency or entity audited.

Any expense incurred by the Auditor of Public Accounts for auditing individual governmental entities shall be charged to the agency receiving audit services when expenses are mutually agreed upon or when a legislatively mandated study by the Auditor of Public Accounts has determined the need for the audit.

20. PERSONNEL BOARD

	2004-05	2005-06
General Fund	558,500	558,500

(1) **Administrative Hearings Notice:** Notwithstanding KRS 13B.050(2), the Personnel Board shall send notices of administrative hearings by first-class mail.

21. KENTUCKY RETIREMENT SYSTEMS

	2004-05	2005-06
Restricted Funds	17,784,300	19,065,000

22. OCCUPATIONAL AND PROFESSIONAL BOARDS AND COMMISSIONS

a. Accountancy

	2004-05	2005-06
Restricted Funds	571,200	604,000

b. Certification of Alcohol and Drug Counselors

	2004-05	2005-06
Restricted Funds	65,200	67,200

c. Architects

	2004-05	2005-06
Restricted Funds	262,500	265,000

d. Certification for Professional Art Therapists

	2004-05	2005-06
Restricted Funds	11,400	11,400

e. **Auctioneers**

	2004-05	2005-06
Restricted Funds	398,800	397,300

f. **Barbering**

	2004-05	2005-06
Restricted Funds	230,300	236,600

g. **Chiropractic Examiners**

	2004-05	2005-06
Restricted Funds	194,400	200,500

h. **Dentistry**

	2004-05	2005-06
Restricted Funds	613,800	618,200

i. **Licensure and Certification for Dietitians and Nutritionists**

	2004-05	2005-06
Restricted Funds	74,500	77,500

j. **Embalmers and Funeral Directors**

	2004-05	2005-06
Restricted Funds	249,100	249,100

k. **Licensure for Professional Engineers and Land Surveyors**

	2004-05	2005-06
Restricted Funds	1,363,600	1,379,400

l. **Certification of Fee-Based Pastoral Counselors**

	2004-05	2005-06
Restricted Funds	7,500	7,500

m. **Registration for Professional Geologists**

	2004-05	2005-06
Restricted Funds	135,000	135,000

n. **Hairdressers and Cosmetologists**

	2004-05	2005-06
Restricted Funds	673,800	713,500

o. **Specialists in Hearing Instruments**

	2004-05	2005-06
Restricted Funds	51,500	55,200

p. **Interpreters for the Deaf and Hard of Hearing**

	2004-05	2005-06
Restricted Funds	31,000	31,000

q. **Examiners and Registration of Landscape Architects**

	2004-05	2005-06
Restricted Funds	58,500	58,600

r. **Licensure of Marriage and Family Therapists**

	2004-05	2005-06
Restricted Funds	83,200	83,200

s. **Medical Licensure**

	2004-05	2005-06
Restricted Funds	2,110,900	2,119,900

t. **Nursing**

	2004-05	2005-06
Restricted Funds	4,705,300	4,674,200

u. **Licensure for Nursing Home Administrators**

	2004-05	2005-06
Restricted Funds	76,200	76,200

v. **Licensure for Occupational Therapy**

	2004-05	2005-06
Restricted Funds	86,000	86,000

w. **Ophthalmic Dispensers**

	2004-05	2005-06
Restricted Funds	62,900	62,900

x. **Optometric Examiners**

	2004-05	2005-06
Restricted Funds	159,700	164,100

y. **Pharmacy**

	2004-05	2005-06
Restricted Funds	883,200	896,700

z. **Physical Therapy**

	2004-05	2005-06
Restricted Funds	263,100	264,700

aa. **Podiatry**

	2004-05	2005-06
Restricted Funds	21,100	21,700

ab. **Private Investigators**

	2004-05	2005-06
Restricted Funds	63,500	64,200

ac. **Licensed Professional Counselors**

	2004-05	2005-06
Restricted Funds	53,700	56,200

ad. **Proprietary Education**

	2004-05	2005-06
Restricted Funds	144,300	149,300

ae. **Examiners of Psychology**

	2004-05	2005-06
Restricted Funds	176,100	176,100

af. **Real Estate Appraisers Board**

	2004-05	2005-06
Restricted Funds	578,400	589,000

ag. **Real Estate Commission**

	2004-05	2005-06
Restricted Funds	2,251,100	2,179,400

ah. **Respiratory Care**

	2004-05	2005-06
Restricted Funds	132,700	139,600

ai. **Social Work**

	2004-05	2005-06
Restricted Funds	145,300	145,300

aj. **Speech-Language Pathology and Audiology**

	2004-05	2005-06
Restricted Funds	89,000	92,000

ak. Veterinary Examiners

	2004-05	2005-06
Restricted Funds	237,800	237,800

TOTAL - OCCUPATIONAL AND PROFESSIONAL BOARDS AND COMMISSIONS

	2004-05	2005-06
Restricted Funds	17,315,600	17,385,500

23. EMERGENCY MEDICAL SERVICES

	2003-04	2004-05	2005-06
General Fund	-0-	2,391,600	2,391,600
Restricted Funds	23,900	171,700	171,700
Federal Funds	313,200	436,500	436,500
TOTAL	337,100	2,999,800	2,999,800

(1) **Current Year Appropriations:** Included in the above Restricted Funds appropriation is $23,900 in fiscal year 2003-2004 and included in the above Federal Funds appropriation is $313,200 in fiscal year 2003-2004 for the ambulance grant fund program.

24. GOVERNMENTAL SERVICES CENTER

	2004-05	2005-06
Restricted Funds	1,467,200	1,494,000

25. KENTUCKY RIVER AUTHORITY

	2004-05	2005-06
General Fund	369,500	369,500
Restricted Funds	5,372,800	1,582,200
TOTAL	5,742,300	1,951,700

(1) **Kentucky River Water Storage Enhancement Project:** Included in the fiscal year 2005-2006 Restricted Funds appropriation is $174,000 for debt service to support $1,773,000 in new agency bonds as set forth in Part II of this Act.

(2) **Water Withdrawal Fees:** The water withdrawal fees imposed by the Kentucky River Authority shall not be subject to state and local taxes. Notwithstanding that portion of the provision of KRS 151.710(10) that directs the Finance and Administration Cabinet to provide administrative services for the Kentucky River Authority, Tier I water withdrawal fees shall be used to support the operations of the Authority and for contractual services for water supply and quality studies.

(3) **Kentucky River Authority Review of Water Supply and Water Project Plans:** The Kentucky River Authority shall review and approve water supply and water project plans of any commission created under the authority of KRS Chapter 74 with members located within the Kentucky River Basin area prior to implementation by the commission.

(4) **Authorization of Additional Interim Positions:** The Kentucky River Authority is authorized to hire two additional interim positions to assist with the operations of the locks and dams.

26. MISCELLANEOUS APPROPRIATIONS

(1) **Funding Sources for Miscellaneous Appropriations:** Funds required to pay the costs of items included within the Miscellaneous Appropriations category are appropriated, and any required expenditure over the above amounts is to be paid first from the General Fund Surplus Account (KRS 48.700) if available or from any available balance in either the Judgments budget unit appropriation or the Budget Reserve Trust Fund Account (KRS 48.705), subject to the conditions and procedures provided in this Act.

a. Judgments

	2004-05	2005-06
General Fund	-0-	5,877,100

(1) **Payment of Judgments and Carry Forward of General Fund Appropriations:** The above appropriation is for the payment of judgments as may be rendered against the Commonwealth by courts and orders of the State Personnel Board and, where applicable, shall be subject to the provisions of KRS Chapter 45, and for the payment of medical malpractice judgments against the University of Kentucky and the University of Louisville in accordance with KRS 164.892 and 164.941. Notwithstanding KRS 45.229, any remaining appropriation in the Judgments account at the end of fiscal year 2003-2004 or fiscal year 2004-2005 shall not lapse but shall be carried forward into fiscal years 2004-2005 and 2005-2006, respectively.

(2) **Kentucky Kare Health Insurance Claims:** Any claims presented that are a legal obligation of the Kentucky Kare Health Insurance Fund are deemed to be necessary governmental expenses and are to be paid first from the General Fund Surplus Account (KRS 48.700), if available, or from any available balance in either the Judgments budget unit appropriation or the Budget Reserve Trust Fund Account (KRS 48.705), subject to the conditions and procedures provided in this Act.

b. **Attorney General Expense**

	2004-05	2005-06
General Fund	225,000	225,000

c. **Board of Claims Awards**

	2004-05	2005-06
General Fund	1,000,000	1,000,000

(1) **Repayment of Awards or Judgments:** Funds are appropriated from the General Fund for the repayment of awards or judgments made by the Board of Claims against departments, boards, commissions, and other agencies maintained by appropriations out of the General Fund. However, awards under $2,500 shall be paid from funds available for the operations of the agency.

d. **Guardian Ad Litem**

	2004-05	2005-06
General Fund	3,700,000	3,700,000

(1) **Fees:** Included in the above appropriation is funding for fees to be paid to each guardian ad litem appointed by the court pursuant to KRS 311.732. The fee shall be fixed by the court and shall not exceed $500.

e. **Prior Year Claims**

	2004-05	2005-06
General Fund	400,000	400,000

f. **Unredeemed Checks Refunded**

	2004-05	2005-06
General Fund	2,300,000	2,300,000

(1) **Reissuance of Uncashed Checks:** Checks written by the State Treasurer and not cashed within the statutory period may be presented to the State Treasurer for reissuance in accordance with KRS 41.370.

g. **Involuntary Commitments to an Intermediate Care Facility for the Mentally Retarded (ICF/MR)**

	2004-05	2005-06
General Fund	60,000	60,000

h. **Payments to Frankfort in Lieu of Taxes**

	2004-05	2005-06
General Fund	195,000	195,000

i. **Frankfort Cemetery**

	2004-05	2005-06
General Fund	2,500	2,500

j. **Police Officers and Firefighters - Life Insurance**

	2004-05	2005-06
General Fund	250,000	250,000

(1) **Payment of Benefits:** Funds are appropriated for payment of benefits for state and local police officers and firefighters in accordance with KRS 61.315 and 95A.070.

k. **Master Commissioners - Employers Retirement**

	2004-05	2005-06
General Fund	200,000	200,000

l. **Master Commissioners - Social Security**

	2004-05	2005-06
General Fund	365,000	365,000

m. **Medical Malpractice Liability Insurance Reimbursements**

	2004-05	2005-06
General Fund	185,000	185,000

n. **Blanket Employee Bonds**

	2004-05	2005-06
General Fund	100,000	100,000

o. **Necessary Government Expenses**

	2004-05	2005-06
General Fund	-0-	-0-

TOTAL - MISCELLANEOUS APPROPRIATIONS

	2004-05	2005-06
General Fund	8,982,500	14,859,600

TOTAL - GENERAL GOVERNMENT

	2003-04	2004-05	2005-06
General Fund (Tobacco)	-0-	35,100,800	39,099,300
General Fund	25,000	229,217,500	264,016,700
Restricted Funds	5,970,200	187,287,300	189,145,700
Federal Funds	2,041,800	179,326,500	173,925,600
Road Fund	-0-	250,000	250,000
TOTAL	8,037,000	631,182,100	666,437,300

B. COMMERCE CABINET

Budget Units

1. OFFICE OF THE SECRETARY

	2004-05	2005-06
General Fund	2,021,400	2,021,400
Restricted Funds	300,000	-0-
TOTAL	2,321,400	2,021,400

(1) **Outdoor Drama Grants:** Included in the above General Fund appropriation is $280,000 in each fiscal year for the purpose of supporting the following grants: Someday Outdoor Drama, $20,000 in each year; Stephen Foster, $40,000 in each year; Pioneer School of Drama, $28,500 in each year; Edmonson County/Floyd Collins, $15,000 in each year; Music Theater of Louisville, $9,000 in each year; Pine Knob Theater, $29,500 in each year; Kincaid Regional Theater, $27,500 in each year; Twilight Cabaret, $9,000 in each year; Horse Cave Theater, $11,000 in each year; Jenny Wiley, $39,500 in each year; Fort Harrod Drama Productions, $41,000 in each year; and Greenbo Lake State Resort Park, $10,000 in each year.

(2) **Coal Waste Study:** Included in the above Restricted Funds appropriation is $300,000 in fiscal year 2004-2005 for the Department of Mining and Engineering in the University of Kentucky for use as an initiative to secure federal grant money for a coal waste impoundment research initiative. The research will focus on areas of inquiry identified by the National Research Council Committee on Coal Waste Impoundments in its report *Coal Waste Impoundments: Risks, Responses, and Alternatives*.

2. ARTISANS CENTER

	2004-05	2005-06
General Fund	273,800	273,800
Restricted Funds	1,297,600	1,297,600
TOTAL	1,571,400	1,571,400

3. BREAKS INTERSTATE PARK

	2004-05	2005-06
General Fund	191,100	191,100

4. TRAVEL

	2004-05	2005-06
General Fund	6,329,400	6,329,400
Restricted Funds	2,000,000	-0-
TOTAL	8,329,400	6,329,400

(1) **Tourism Marketing and Development:** Included in the above Restricted Funds appropriation is $2,000,000 in fiscal year 2004-2005 for Tourism Marketing and Development on behalf of the coal producing counties from the Local Government Economic Development Fund Multi-County Fund.

5. PARKS

	2004-05	2005-06
General Fund	28,613,100	31,950,100
Restricted Funds	55,428,300	58,506,800
TOTAL	84,041,400	90,456,900

(1) **Park Capital Maintenance and Renovation Fund:** Notwithstanding KRS 148.800, 148.805, and 148.810 or any other statute or provision of law to the contrary, the General Assembly authorizes the use of the Park Capital Maintenance and Renovation Fund for any ongoing cost of the Department of Parks.

(2) **Debt Service:** Included in the above General Fund appropriation is $3,337,000 in fiscal year 2005-2006 for debt service for new bonds as set forth in Part II of this Act.

(3) **Craft Sales in Park Gift Shops:** Notwithstanding KRS 11A.040 and 45.340, crafts persons employed and juried by Fort Boonesborough State Park and Old Fort Harrod State Park may sell craft items they make to the state park at which they are employed for resale in its gift shop.

(4) **Feasibility Study:** The University of Kentucky, jointly with the Bluegrass Area Development District, shall conduct a comprehensive study of the feasibility and cost of constructing a state park lodge at Fort Boonesborough State Park.

The study shall begin no later than August 1, 2004, and shall submit a report and recommendations to the Interim Joint Committee on Appropriations and Revenue and the Interim Joint Committee on Economic Development and Tourism not later than the interim committees' regularly scheduled meeting in October 2004.

6. KENTUCKY HORSE PARK COMMISSION

	2003-04	2004-05	2005-06
General Fund	550,000	1,621,200	1,621,200
Restricted Funds	-0-	5,722,800	5,729,000
TOTAL	550,000	7,344,000	7,350,200

(1) **Current Year Appropriation:** Included in the above General Fund appropriation is $550,000 in fiscal year 2003-2004 to support ongoing costs at the Kentucky Horse Park.

7. STATE FAIR BOARD

	2004-05	2005-06
General Fund	396,800	5,163,800
Restricted Funds	35,003,200	36,170,500
TOTAL	35,400,000	41,334,300

(1) **Debt Service:** Included in the above Restricted Funds appropriation is $4,012,300 in fiscal year 2004-2005 and $4,012,900 in fiscal year 2005-2006 for previously issued bonds. Also included in the above General Fund appropriation is $4,767,000 in fiscal year 2005-2006 for debt service for new bonds as set forth in Part II of this Act.

(2) **Maintenance Projects:** In accordance with KRS 247.190, the Kentucky State Fair Board is authorized to expend available agency revenue receipts to complete regular or ongoing maintenance projects.

8. FISH AND WILDLIFE RESOURCES

	2004-05	2005-06
Restricted Funds	27,941,700	27,941,700
Federal Funds	10,830,000	10,864,000
TOTAL	38,771,700	38,805,700

9. KENTUCKY HISTORICAL SOCIETY

	2004-05	2005-06
General Fund	5,871,800	5,871,800
Restricted Funds	633,800	727,300
Federal Funds	342,000	325,000
TOTAL	6,847,600	6,924,100

10. ARTS COUNCIL

	2004-05	2005-06
General Fund	4,210,900	4,210,900
Restricted Funds	755,500	553,500
Federal Funds	691,000	685,500
TOTAL	5,657,400	5,449,900

(1) **Open Meetings:** Any entity involved in producing or financing arts on a local or statewide basis, which receives funds from the Kentucky Arts Council or from grants from local governmental authorities, shall be required to conduct its business as a public agency pursuant to KRS 61.800 to 61.850 and KRS 61.870 to 61.884.

11. HERITAGE COUNCIL

	2004-05	2005-06
General Fund	1,016,700	1,016,700
Restricted Funds	366,500	368,600
Federal Funds	587,800	587,800
TOTAL	1,971,000	1,973,100

12. KENTUCKY CENTER FOR THE ARTS

	2004-05	2005-06
General Fund	1,138,600	550,000

(1) **Operating Budget:** Funds totaling $588,600 in fiscal year 2004-2005 are being redirected to provide for capital maintenance and repair projects at the Center.

TOTAL -COMMERCE CABINET

	2003-04	2004-05	2005-06
General Fund	550,000	51,684,800	59,200,200
Restricted Funds	-0-	129,449,400	131,295,000
Federal Funds	-0-	12,450,800	12,462,300
TOTAL	550,000	193,585,000	202,957,500

C. ECONOMIC DEVELOPMENT CABINET

Budget Units

1. OFFICE OF THE SECRETARY

	2003-04	2004-05	2005-06
General Fund	-0-	8,998,500	9,548,400
Restricted Funds	1,342,300	2,366,600	1,704,800
TOTAL	1,342,300	11,365,100	11,253,200

(1) **Current Year Appropriation:** Included in the above Restricted Funds appropriation is $1,342,300 in fiscal year 2003-2004 to support current year operating expenses in the Office for the New Economy.

(2) **East Kentucky Jobs Creation Corporation, West Kentucky Jobs Creation Corporation, and Regional Development Office:** Included in the above Restricted Funds appropriation is $467,000 in fiscal year 2004-2005 and $467,000 in fiscal year 2005-2006 for the West Kentucky Jobs Creation Corporation. Included in the above Restricted Funds appropriation is $467,000 in fiscal year 2004-2005 and $467,000 in fiscal year 2005-2006 for the East Kentucky Jobs Creation Corporation. Also included in the above General Fund appropriation is $755,400 in fiscal year 2004-2005 and $768,500 in fiscal year 2005-2006 for the Department for Regional Development. Notwithstanding KRS 42.4592, the General Fund appropriations for the Department for Regional Development shall be funded from the Local Government Economic Development Fund prior to any other statutory distribution from the Local Government Economic Development Fund.

(3) **Kentucky Technology Service Grant:** Included in the above Restricted Funds appropriation is $300,000 in fiscal year 2004-2005 and $150,000 in fiscal year 2005-2006 for the Kentucky Technology Service Grant administered by the Kentucky Manufacturing Assistance Center. Included in the above General Fund appropriation is $150,000 in fiscal year 2005-2006 for the Kentucky Technology Service Grant.

(4) **Louisville Waterfront Development Corporation:** Included in the above Restricted Funds appropriation is $420,800 in fiscal year 2004-2005 and $420,800 in fiscal year 2005-2006 for the Louisville Waterfront Development Corporation.

(5) **Office of the Commissioner for the New Economy:** Included in the above Restricted Funds appropriation is $1,511,800 in fiscal year 2004-2005 for the Office of the Commissioner for the New Economy. Also included in the above General Fund appropriation is $3,367,600 in fiscal year 2004-2005 and $3,879,400 in fiscal year 2005-2006. A portion of these funds will be used for the Innovation and Commercialization Centers grant of $1,400,000 in each year of the biennium administered by the Kentucky Science and Technology Corporation.

(6) **New Economy High-Tech Construction and High-Tech Investment Pools:** Included in the above General Fund appropriation is $3,625,000 in fiscal year 2004-2005 and $3,500,000 in fiscal year 2005-2006 for the New Economy High-Tech Construction and High-Tech Investment Pools. Notwithstanding KRS 42.4592, the General Fund appropriation for the Office for the New Economy shall be funded from the Local Government Economic Development Fund prior to any statutory distribution from the Local Government Economic Development Fund. The Commissioner of the Office for the New Economy shall determine the amounts to be apportioned between the High-Tech Investment and High-Tech Construction Pools.

(7) **Funding for the Office for the New Economy:** Notwithstanding Subchapter 20 of KRS Chapter 154, interest income earned on balances in the High-Technology Construction Pool and the High-Technology Investment Pool shall be used to support the Office for the New Economy within the Department of Economic Development. Upon the recommendation of the Commissioner, these funds are authorized and appropriated to fund High-Technology Construction/Investment Pool projects.

Loan repayments received by the High-Technology Construction and High-Technology Investment Pools are appropriated in addition to amounts specified in Part II, Capital Projects Budget, of this Act.

(8) **Kentucky Science and Technology Corporation:** Notwithstanding KRS 164.6017, the Kentucky Science and Technology Corporation shall submit an annual plan dealing with the allocation of funds from the Science and Technology Funding Program, excluding funds for the Knowledge-Based Economy Academic Programs, for review and approval by the Council on Postsecondary Education and the Office for the New Economy prior to the Council on Postsecondary Education executing a contract with the Corporation to administer Science and Technology Funding Programs.

(9) **Federal Research Laboratory:** Agencies within state government, including but not limited to the Economic Development Cabinet, the Council on Postsecondary Education, the Office of the Governor, and the state postsecondary institutions shall provide technical assistance and pool resources as necessary for the purpose of recruiting a federal research laboratory to the Commonwealth. The Office for the New Economy shall serve as the central point of contact and coordination for this effort.

(10) **Carried Opportunities for Innovation and Commercialization (ICC) Staff:** Innovation and Commercialization Staff may receive part of their compensation in the form of service fees and returns generated through investments made through the Innovation and Commercialization Centers. This form of compensation is called "carried interest." If the staff takes advantage of this opportunity to have their compensation tied to performance, base salaries will be reduced.

2. ADMINISTRATION AND SUPPORT

	2004-05	2005-06
General Fund	1,944,700	1,944,700
Restricted Funds	-0-	9,600
TOTAL	1,944,700	1,954,300

3. BUSINESS DEVELOPMENT

	2003-04	2004-05	2005-06
General Fund	-0-	2,093,600	2,093,600
Restricted Funds	110,000	366,800	580,000
TOTAL	110,000	2,460,400	2,673,600

(1) **Current Year Appropriation:** Included in the above Restricted Funds appropriation is $110,000 in fiscal year 2003-2004 to support personnel and operating expenses.

4. FINANCIAL INCENTIVES

	2004-05	2005-06
General Fund	3,327,600	4,759,600
Restricted Funds	2,240,300	2,266,700
TOTAL	5,567,900	7,026,300

(1) **Debt Service:** Included in the above General Fund appropriation is $1,432,000 in fiscal year 2005-2006 for debt service to support new bonds as set forth in Part II of this Act.

(2) **Carry Forward of General Fund Appropriations and Bluegrass State Skills Corporation Training Grant Offers:** Notwithstanding KRS 45.229, the General Fund appropriations for fiscal year 2003-2004 and for fiscal year 2004-2005 for the Bluegrass State Skills Corporation shall be continued and not lapse to the General Fund Surplus Account. The Corporation is authorized to extend an additional $1,500,000 in training grant offers during the 2004-2006 biennium. In the event that such offers are made, and that disbursements are required to support those offers, funds shall be appropriated from the General Fund Surplus Account in an amount not to exceed $1,500,000.

(3) **Lapse of Special Revenue Fund Accounts:** Balances remaining in the Special Revenue Fund accounts after all appropriations authorized in this bill are funded shall lapse to the Statewide Deferred Maintenance Fund account at the end of each fiscal year.

(4) **Kentucky Investment Fund Act Tax Credits:** The total amount of Kentucky Investment Fund Act (KIFA) tax credits available to any single investment fund shall not exceed, in aggregate, $1,300,000 for all investors and all taxable years. The total KIFA tax credits available for all investors in all investment funds shall not exceed $5,000,000 per fiscal year.

(5) **Interstate Industrial Park:** The Kentucky Economic Development Finance Authority shall reduce by $500,000 the existing loan balance on the Franklin-Simpson Industrial Authority Project to expand the Interstate Industrial Park.

5. COMMUNITY DEVELOPMENT

	2004-05	2005-06
General Fund	2,652,300	2,652,300
Restricted Funds	438,600	440,600
Federal Funds	155,400	155,400

TOTAL	3,246,300	3,248,300

TOTAL - ECONOMIC DEVELOPMENT CABINET

	2003-04	2004-05	2005-06
General Fund	-0-	19,016,700	20,998,600
Restricted Funds	1,452,300	5,412,300	5,001,700
Federal Funds	-0-	155,400	155,400
TOTAL	1,452,300	24,584,400	26,155,700

D. DEPARTMENT OF EDUCATION

Budget Units

1. EXECUTIVE POLICY AND MANAGEMENT

	2004-05	2005-06
General Fund	687,900	687,900

(1) **Employment of Personnel:** Notwithstanding KRS 18A.115, the Department of Education may fill, through memoranda of agreement, not more than 50 percent of its existing authorized positions below the division director level with individuals employed as school administrators and educators in Kentucky.

(2) **Employment of Leadership Personnel:** Notwithstanding KRS 18A.005 to 18A.200, the Kentucky Board of Education shall continue to have sole authority to determine the employees of the Department of Education who are exempt from the classified service and to set their compensation comparable to the competitive market.

(3) **Medicaid Reimbursement Funds:** The Department of Education is authorized to implement a strategy, in conjunction with local school districts and the Department for Medicaid Services within the Cabinet for Health Services, to maximize federal reimbursement under the Medicaid Program for Medicaid eligible administrative functions performed by elementary and secondary school faculty, staff, and administrators. Any increase in federal reimbursement attributable to such a strategy shall not be expended by the Department of Education or Cabinet for Health Services, Department for Medicaid Services, prior to review and approval by the Governor's Office of Policy and Management and submission to the Interim Joint Committee on Appropriations and Revenue at least 60 days prior to any distribution of Federal Funds.

(4) **Role of the Secretary of Education:** Notwithstanding KRS 12.020, the Department of Education is attached to the Office of the Secretary of the Education Cabinet for the purpose of dissemination of information only and the Secretary of the Education Cabinet shall not have any authority over the functions, personnel, funds, equipment, facilities, or records of the Department of Education during the 2004-2006 biennium.

(5) **Board of Claims:** Notwithstanding KRS 44.070, the Board of Claims shall not have authority to investigate, hear proof, or adjudicate claims against the Department of Education or Kentucky Board of Education for the acts of a local board of education, its members, officers, agents, or employees.

2. OPERATIONS AND SUPPORT SERVICES

	2004-05	2005-06
General Fund	10,888,600	11,173,400
Restricted Funds	2,886,400	2,354,400
Federal Funds	27,800	27,800
TOTAL	13,802,800	13,555,600

(1) **Teachers' Retirement System Employer Match:** Included in the above General Fund appropriation is $2,531,700 in fiscal year 2004-2005 and $2,607,800 in fiscal year 2005-2006 to enable the Department of Education to provide the employer match for the teacher retirement contribution for qualified employees as provided by KRS 161.550.

(2) **Debt Service:** Included in the above General Fund appropriation in fiscal year 2005-2006 is $336,000 to provide for debt service for new bonds as set forth in Part II of this Act.

(3) **Management Assistance Program:** Included in the above General Fund appropriation is $200,000 in each fiscal year for the Management Assistance Program.

(4) **Medical Insurance Fund:** No funds are provided in the above appropriations for the employer contributions to the medical insurance fund established in 2004 House Bill 434 in fiscal year 2004-2005 and fiscal year 2005-2006.

3. LEARNING AND RESULTS SERVICES

	2004-05	2005-06
General Fund (Tobacco)	1,888,400	1,888,400
General Fund	593,139,600	607,858,800
Restricted Funds	1,896,400	1,801,200
Federal Funds	525,614,200	525,773,100

TOTAL	1,122,538,600	1,137,321,500

(1) Education Technology Escrow Account: Included in the above General Fund appropriation is $18,108,700 in fiscal year 2004-2005 and $18,108,700 in fiscal year 2005-2006 for the education technology escrow account.

(2) Education of State Agency Children: Included in the above General Fund appropriation is $10,462,100 in fiscal year 2004-2005 and $10,462,100 in fiscal year 2005-2006 for reimbursement to local school districts for the education of state agency children as defined by KRS 158.135.

(3) Funding for Employee Health and Life Insurance and Carry Forward of General Fund Appropriations: Included in the above General Fund appropriation is $308,016,600 in fiscal year 2004-2005 and $321,571,800 in fiscal year 2005-2006 to provide health insurance and life insurance coverage for employees of local school districts.

If the costs for health insurance or life insurance coverage for employees of local school districts exceed the levels of appropriated funds, any unexpended Support Education Excellence in Kentucky appropriations may be used to offset the unbudgeted costs. Any transfer shall be subject to approval of the Governor upon the written recommendation of the Secretary of the Finance and Administration Cabinet pursuant to the written request of the Commissioner of Education. The per month per employee administrative assessment as contained in Appendix B of the budget instructions as promulgated by the Legislative Research Commission and communicated to agencies by the Office of State Budget Director shall be remitted to the Department of Personnel by the Department of Education from the General Fund appropriation for local school district health and life insurance.

(4) Kentucky School for the Blind and Kentucky School for the Deaf: Included in the above General Fund appropriation is $5,835,600 in fiscal year 2004-2005 and $5,835,600 in fiscal year 2005-2006 for the Kentucky School for the Blind, and $8,430,300 in fiscal year 2004-2005 and $8,430,300 in fiscal year 2005-2006 for the Kentucky School for the Deaf.

(5) Kentucky Education Technology System:

(a) Area Vocational Education Centers shall be fully eligible to participate in the Kentucky Education Technology System. Notwithstanding KRS 157.650, 157.655, 157.660, and 157.665, the School Facilities Construction Commission, in consultation with the Kentucky Board of Education and the Department of Education, shall develop administrative regulations which identify a methodology by which the average daily attendance for Area Vocational Education Centers may be equated to the average daily attendance of other local school districts in order that they may receive their respective distributions of these funds.

(b) The School for the Deaf and the School for the Blind shall be fully eligible, along with local school districts, to participate in the Kentucky Education Technology System in a manner that takes into account the special needs of the students of these two schools.

(6) Family Resource and Youth Services Centers: Funds appropriated to establish and support Family Resource and Youth Services Centers shall be transferred in fiscal year 2004-2005 and in fiscal year 2005-2006 to the Health and Family Services Cabinet consistent with the intent of KRS 156.497. The Health and Family Services Cabinet is authorized to use, for administrative purposes, no more than three percent of the total funds transferred from the Department of Education for the Family Resource and Youth Services Centers. If a certified person is employed as a director or coordinator of a Family Resource or Youth Services Center, that person shall retain his or her status as a certified employee of the school district.

If 70 percent or more of the funding level provided by the state is utilized to support the salary of the director of a center, that center shall provide a report to the Health and Family Services Cabinet identifying the salary of the director. The Health and Family Services Cabinet shall transmit any reports received from Family Resource and Youth Services Centers pursuant to this provision to the Legislative Research Commission.

(7) Area Centers and Vocational Departments Funding Formula: All funds appropriated in the budget for supplementing the programs and operations of the area centers and vocational departments of the following districts shall be distributed by a weighted formula that is promulgated in an administrative regulation by the Kentucky Board of Education: Allen County, Ballard County, Bowling Green Independent, Boyd County, Carter County, Christian County, Covington Independent, Edmonson County, Fayette County, Fleming County, Franklin County, Grayson County, Henderson County, Lawrence County, Lewis County, Livingston County, Magoffin County, Marshall County, McCreary County, Newport Independent, Powell County, Simpson County, Trigg County, Union County, and Jefferson County. The weighted formula shall take into consideration the different costs of programs based on requirements for facilities, materials, and equipment to meet program standards, the number of students enrolled, and the number of hours students are enrolled.

(8) Program Flexibility: Notwithstanding KRS 157.226(2) and (3), 157.3175(3) and (4), and 160.345(8) with regards to the state allocation, five programs (Professional Development, Extended School Services, Preschool, Textbooks, and Safe Schools) shall continue to permit the state and local school districts additional flexibility in the distribution of program funds while still addressing the governing statutes and serving the need and the intended student population.

(9) Local District Grant Fund Carry Forward: Notwithstanding KRS 45.229, up to ten percent of any non-SEEK state grant fund appropriated to the Department of Education and disbursed to a local district that is unexpended during fiscal year 2004-2005 may be carried forward to fiscal year 2005-2006.

(10) Highly Skilled Educators: Notwithstanding KRS 158.6455(3)(d), 158.782, and 160.350(3), the Kentucky Department of Education shall have the authority to expend moneys appropriated for the Highly Skilled Education Assistance Program on intervention services that may be required by the Federal No Child Left Behind Act of 2001 (Pub. L. 107-110).

(11) **Commonwealth School Improvement Fund:** Notwithstanding KRS 158.805, the Commissioner of Education shall be authorized to use the Commonwealth School Improvement Fund to provide support services to schools needing assistance under KRS 158.6455 or in order to meet the requirements of No Child Left Behind.

(12) **Allocation of Safe School Funds:** Notwithstanding KRS 158.446, the Center for School Safety shall develop and implement allotment policies for all moneys received for the purposes of KRS 158.440, 158.441, 158.442, 158.445, and 158.446.

(13) **Funds Transfer:** The Commissioner of the Department of Education may transfer any available funds between the Professional Growth Fund and the Professional Development Leadership Mentor Fund as needed to satisfy the demand and need to support respective teacher programs.

(14) **Publishing Requirements:** Notwithstanding KRS 158.6453(7), 160.463, and 424.220, public availability of the school district's complete annual financial statement and the school report card shall be made by publishing the documents in the newspaper of the largest general circulation in the county, electronically on the Internet, or by printed copy at a prearranged site at the main branch of the public library within the school district. If publication on the Internet or by printed copy at the public library is chosen, the superintendent shall be directed to publish notification in the newspaper of the largest circulation in the county as to the location where the document can be viewed by the public. The notification shall include the address of the library or the electronic address of the Web site on the Internet where the documents can be viewed.

(15) **Surplus Property:** Notwithstanding KRS 45A.045, 45.777, and 56.463, any funds received by the Commonwealth from the disposal of any surplus property at the Kentucky School for the Blind and the Kentucky School for the Deaf shall be deposited in a restricted account for the sole use by those schools in accordance with all other applicable statutes.

(16) **Jobs for Kentucky's Graduates:** Included in the above Federal Funds appropriation is $550,000 in fiscal year 2004-2005 and $550,000 in fiscal year 2005-2006 for the Jobs for Kentucky's Graduates Program. Any amount of these federal appropriations that is not realized in fiscal biennium 2004-2006 shall be deemed necessary governmental expenses and shall be paid from the General Fund Surplus Account (KRS 48.700) or the Budget Reserve Trust Fund Account (KRS 48.705).

(17) **Child Assault Prevention Program:** Included in the above General Fund appropriation is $94,000 in fiscal year 2004-2005 and $94,000 in fiscal year 2005-2006 for the Child Assault Prevention Program.

4. SUPPORT EDUCATION EXCELLENCE IN KENTUCKY (SEEK) PROGRAM

	2004-05	**2005-06**
General Fund	2,436,936,600	2,588,632,700

(1) **Common School Fund Earnings:** Accumulated earnings for the Common School Fund shall be transferred in each fiscal year to the SEEK Program.

(2) **Base SEEK Allotments:** The above appropriations include $1,909,626,100 in fiscal year 2004-2005 and $2,045,482,100 in fiscal year 2005-2006 for the base SEEK Program as defined by KRS 157.360. Funds appropriated to the SEEK Program shall be allotted to school districts in accordance with KRS 157.310 to 157.440, except that the total of the funds allotted shall not exceed the appropriations for this purpose except as provided in this Act. Notwithstanding KRS 157.360(2)(c), included in the appropriation for the base SEEK Program is $211,953,500 in fiscal year 2004-2005 and $211,953,500 in fiscal year 2005-2006 for pupil transportation.

(3) **Tier I Component:** Included in the above appropriation is $143,858,900 in fiscal year 2004-2005 and $144,964,400 in fiscal year 2005-2006 for the Tier I component as established by KRS 157.440.

(4) **Vocational Transportation:** Included in the above appropriation is $2,416,900 in fiscal year 2004-2005 and $2,416,900 in fiscal year 2005-2006 for vocational transportation.

(5) **Secondary Vocational Education:** Included in the above appropriation is $21,952,600 in fiscal year 2004-2005 and $21,952,600 in fiscal year 2005-2006 to provide secondary vocational education in state-operated vocational schools.

(6) **Facilities Support Program of Kentucky/Equalized Growth Nickel:** Included in the above appropriation is $65,458,700 in fiscal year 2004-2005 and $61,739,700 in fiscal year 2005-2006 to provide facilities equalization funding pursuant to KRS 157.440 and 157.620. Included in the General Fund appropriations is $3,800,000 in fiscal year 2004-2005 and $3,800,000 in fiscal year 2005-2006 to provide facilities equalization funding for debt service, new facilities, and major renovations of existing facilities pursuant to KRS 157.440, 157.620, and 157.621(2) and (3) as provided for in section (13) of this budget unit regarding equalized growth nickel funding.

(7) **Teachers' Retirement System Employer Match:** Included in the above appropriation is $292,265,400 in fiscal year 2004-2005 and $310,319,000 in fiscal year 2005-2006 to enable local school districts to provide the employer match for qualified employees as provided for by KRS 161.550.

(8) **Salary Supplements for Nationally Certified Teachers:** Included in the above appropriation is $1,358,000 in fiscal year 2004-2005 and $1,758,000 in fiscal year 2005-2006 to assist local school districts in providing salary supplements for teachers attaining certification by the National Board of Professional Teaching Standards.

(9) **Allocation of SEEK Funds:** Notwithstanding KRS 157.360(2)(c), the General Fund appropriations to the base SEEK Program are intended to provide a base guarantee of $3,261 per student in average daily attendance in fiscal year 2004-2005 and $3,474 per student in average daily attendance in fiscal year 2005-2006 as well as to meet the other requirements of

KRS 157.360.

Nothing in this legislation shall be construed as prohibiting the contracting out of pupil transportation services.

Funds appropriated to the SEEK Program shall be allotted to school districts in accordance with KRS 157.310 to 157.440, except that the total of the funds allotted shall not exceed the appropriations for this purpose except as provided in this Act. The total appropriation for the SEEK Program shall be measured by, or construed as, estimates of the state expenditures required by KRS 157.310 to 157.440. If the required expenditures exceed these estimates, the Secretary of the Finance and Administration Cabinet, upon the written request of the Commissioner of Education and with approval of the Governor, may increase the appropriation by such amount as may be available and necessary to meet, to the extent possible, the required expenditures under the cited sections of the Kentucky Revised Statutes, but any increase of the total appropriation to the SEEK Program is subject to Part III, General Provisions, of this Act, and the provisions of KRS Chapter 48. If funds appropriated to the SEEK Program are insufficient to provide the amount of money required under KRS 157.310 to 157.440, allotments to local school districts may be reduced in accordance with KRS 157.430.

(10) Certified Staff and Classified Staff Pay Increases: Notwithstanding KRS 157.420(2), all certified staff employed by local boards of education shall receive a cost-of-living adjustment of not less than three percent in fiscal year 2004-2005 and not less than four and one-half percent in fiscal year 2005-2006. The cost-of-living adjustments in the 2004-2006 biennium shall be in addition to the normal rank and step increases attained by certified personnel in local school districts. Included in this cost-of-living adjustment is an Employer Health Insurance cost-of-living adjustment of one and one-half percent in fiscal year 2004-2005 and fiscal year 2005-2006. All classified staff employed by local boards of education shall receive a cost-of-living adjustment of not less than three percent in fiscal year 2004-2005 and not less than four and one-half percent in fiscal year 2005-2006. The cost-of-living adjustments in the 2004-2006 fiscal biennium shall be in addition to any salary increase an employee might obtain due to additional experience or job classification. Included in this cost-of-living adjustment is an Employer Health Insurance cost-of-living adjustment of one and one-half percent in fiscal year 2004-2005 and fiscal year 2005-2006.

(11) Final SEEK Calculation: Notwithstanding KRS 157.410, on or before March 1 of each year the chief state school officer shall determine the exact amount of the public common school fund to which each district is entitled and the remainder of the amount due each district for the year shall be distributed in equal installments beginning the first month after completion of final calculation and for each successive month thereafter.

(12) SEEK Adjustment Factors: Funds allocated for the SEEK base and its adjustment factors that are not needed for the base or a particular adjustment factor may be allocated to other adjustment factors, if funds for that adjustment factor are not sufficient.

(13) Equalized Growth Nickel: Notwithstanding KRS 157.621(1), local school districts shall receive state equalization facilities funding up to the amounts available for this purpose on the existing additional tax levy pursuant to KRS 157.621, if they have: (a) Previously levied the additional tax pursuant to KRS 157.621 for debt service and new facilities prior to fiscal year 2003-2004; (b) Levied the five cents under the provisions of KRS 157.440; (c) Met the growth requirements in KRS 157.621(2) in fiscal year 2002-2003; and (d) Levied an additional nickel tax pursuant to KRS 157.621 in addition to (a) and (b) of this section.

(14) School Employee Flexible Spending Account Funds Transfer: Any funds remaining in flexible spending accounts of employees of local school districts for calendar year 2004 and calendar year 2005 shall also be transferred to the credit of the General Fund.

(15) Local Revenue: For calendar year 2004 and calendar year 2005, a district board of education may levy a general rate that will produce revenue from real property, exclusive of revenue from new property that is up to four percent over the amount of the revenue produced by the compensating rate as defined in KRS 132.010.

(16) Use of Local District Capital Outlay Funds: Notwithstanding KRS 157.420(4) and (6), a local district may submit a request to the Commissioner of Education to use capital outlay funds for maintenance expenditures or for the purchase of property insurance in fiscal year 2004-2005 and fiscal year 2005-2006 without forfeiture of the district's participation in the School Facility Construction Commission.

(17) Medical Insurance Fund: No funds are provided in the above appropriations for the employer contributions to the medical insurance fund established in 2004 House Bill 434 in fiscal year 2004-2005 and fiscal year 2005-2006.

TOTAL - DEPARTMENT OF EDUCATION

	2004-05	**2005-06**
General Fund (Tobacco)	1,888,400	1,888,400
General Fund	3,041,652,700	3,208,352,800
Restricted Funds	4,782,800	4,155,600
Federal Funds	525,642,000	525,800,900
TOTAL	3,573,965,900	3,740,197,700

E. EDUCATION CABINET

Budget Units

1. GENERAL ADMINISTRATION AND PROGRAM SUPPORT

	2004-05	2005-06
General Fund	3,986,200	4,027,800
Restricted Funds	5,727,200	5,727,200
Federal Funds	185,000	190,000
TOTAL	9,898,400	9,945,000

(1) **Governor's Scholars Program:** Included in the above General Fund appropriation is $1,897,800 in fiscal year 2004-2005 and $1,939,400 in fiscal year 2005-2006 for the Governor's Scholars Program, of which $1,647,700 in fiscal year 2004-2005 and $1,684,100 in fiscal year 2005-2006 is for grant amounts. The total grant dollars shall be allotted during the first quarter of each fiscal year.

(2) **Secretary's Office:** The Education Cabinet Secretary's Office shall be funded at an amount no greater than $842,400 each fiscal year. Included in the Education Cabinet Secretary's Office each fiscal year of the biennium is $95,400 for the Mountain Arts Center, $81,900 for the Blue Apple Players, and $225,200 for the Eastern Kentucky Center for Science, Math, and Technology. The Teachers' Retirement Employer's Contribution for the employees in the General Administration and Program Support unit shall be paid from the Education Cabinet Secretary's Office.

(3) **Medical Insurance Fund:** No funds are provided in the above appropriations for the employer contributions to the medical insurance fund established in 2004 House Bill 434 in fiscal year 2004-2005 and fiscal year 2005-2006.

(4) **Role of the Secretary of Education:** Notwithstanding KRS 12.020, the Department of Education is attached to the Office of the Secretary of the Education Cabinet for the purpose of dissemination of information only and the Secretary of the Education Cabinet shall not have any authority over the functions, personnel, funds, equipment, facilities, or records of the Department of Education during the 2004-2006 biennium.

2. DEAF AND HARD OF HEARING

	2004-05	2005-06
General Fund	821,100	821,100
Restricted Funds	252,000	252,000
TOTAL	1,073,100	1,073,100

3. KENTUCKY EDUCATIONAL TELEVISION

	2004-05	2005-06
General Fund	14,145,200	14,145,200
Restricted Funds	1,039,600	1,075,700
Federal Funds	700,000	700,000
TOTAL	15,884,800	15,920,900

4. ENVIRONMENTAL EDUCATION COUNCIL

	2004-05	2005-06
Restricted Funds	187,200	187,200

5. LIBRARIES AND ARCHIVES

a. General Operations

	2004-05	2005-06
General Fund	7,222,000	7,368,600
Restricted Funds	1,827,600	1,896,200
Federal Funds	1,950,100	1,955,300
TOTAL	10,999,700	11,220,100

(1) **Undistributed Moneys:** Notwithstanding KRS 48.005, undistributed moneys received by a result of litigation with book suppliers shall be appropriated to the Department for Libraries and Archives for the benefit of libraries in the Commonwealth.

b. Direct Local Aid

	2004-05	2005-06
General Fund	6,578,000	6,431,400
Restricted Funds	9,000	9,000
Federal Funds	424,000	424,000
TOTAL	7,011,000	6,864,400

(1) **Per Capita Grants:** Included in the above General Fund appropriation is $4,000,000 in each fiscal year to award

per capita grants at the rate of $0.73.

TOTAL - DEPARTMENT FOR LIBRARIES AND ARCHIVES

	2004-05	2005-06
General Fund	13,800,000	13,800,000
Restricted Funds	1,836,600	1,905,200
Federal Funds	2,374,100	2,379,300
TOTAL	18,010,700	18,084,500

6. SCHOOL FACILITIES CONSTRUCTION COMMISSION

	2004-05	2005-06
General Fund	95,042,400	103,840,000

(1) **Debt Service:** Included in the above General Fund appropriation is $7,827,300 in fiscal year 2004-2005 and $15,623,700 in fiscal year 2005-2006 in additional General Fund moneys to: (a) fulfill the commitment made by the 2000 Regular Session of the General Assembly for $100 million in bonded indebtedness for local school construction and renovation; (b) fulfill the commitment made by the 2003 Regular Session of the General Assembly for an additional $100 million in bonded indebtedness for school construction and renovation; (c) fulfill the commitment made by the 2003 Regular Session of the General Assembly to the Fayette County public school system for $4,600,000 in bonded indebtedness; and (d) fulfill the commitment made by the 2003 Regular Session of the General Assembly for $110,000,000 in bonded indebtedness to address the needs of Category 5 (worst condition) schools.

(2) **Growth Nickel Levy:** The Facilities Support Program of Kentucky is fully funded in the 2004-2006 fiscal biennium. Notwithstanding KRS 157.621(3), local school districts may exercise authority expressed in KRS 157.621(1) and (2).

(3) **School Facility Revenue:** A local board of education may commit an equivalent tax rate not to exceed five cents ($0.05) in addition to the taxes levied in KRS 157.440(1)(b). Receipts from the levy shall be committed to debt service, new facilities, or major renovations of existing school facilities. The tax rate levied by the local board of education under this provision shall be made no later than October 1 of each odd-numbered year, and shall not be equalized with state funding. The levy shall be subject to recall.

(4) **Urgent Need School Trust Fund:** The Urgent Need School Trust Fund is established in the Finance and Administration Cabinet for the purpose of assisting school districts that have urgent and critical construction needs. The Urgent Need School Trust Fund shall be administered by the School Facilities Construction Commission. The fund may receive state appropriations, contributions, and grants from any source which shall be credited to the trust fund and invested until needed. All interest earned on the fund shall be retained in the trust fund. Notwithstanding KRS 45.229, moneys in the trust fund shall not lapse, but shall carry forward at the end of each fiscal year.

(5) **Category 5 Buildings:** Debt service assistance to each eligible district, as provided for in Part I, Operating Budget, of this Act, shall be determined by funding based on unmet need pursuant to KRS 157.620, calculated utilizing Cash Balances and Bonding Potential available for the project with the Kentucky Department of Education's Building Assessment document of March 4, 2003. These offers shall be administered in accordance with 750 KAR 1:010 where not in conflict with the language in this section.

(6) **Offers of Assistance:** Notwithstanding KRS 157.622, a local school district may accumulate credit, subject to the availability of funds, for its unused state allocation for a period not to exceed eight years.

(7) **Additional Offers of Assistance:** Notwithstanding any provisions of KRS 157.611 to 157.640, 157.650, 157.655, 157.660, or 157.665, the School Facilities Construction Commission is authorized to make an additional $100,000,000 in offers of assistance during the 2004-2006 biennium in anticipation of debt service availability during the 2006-2008 biennium. No bonded indebtedness based on the above amount is to be incurred during the 2004-2006 biennium.

(8) **Debt Service Assistance:** Included in the above General Fund appropriation is $675,000 in fiscal year 2005-2006 for debt service for $8,000,000 in new bonding authority as provided in Part II, Capital Projects Budget, to support the replacement/renovation of school number 950 in local school district number 491. Additionally, included in the above General Fund appropriation is $320,700 in fiscal year 2005-2006 for debt service for $3,800,000 in new bonding authority as provided in Part II, Capital Projects Budget, to support the replacement/renovation of school number 020 in local school district number 535.

7. TEACHERS' RETIREMENT SYSTEM

	2004-05	2005-06
General Fund	106,790,800	120,830,500
Restricted Funds	8,147,900	8,613,500
TOTAL	114,938,700	129,444,000

(1) **State Retirement Obligations:** General Fund moneys are appropriated to comply with the obligations of the state under the Teachers' Retirement System statutes as provided in KRS 161.220 to 161.716 notwithstanding KRS 161.550.

(2) **Lapse of Excess General Fund Appropriations:** The above General Fund appropriation, in conjunction with

those included elsewhere within this Act for the Teachers' Retirement System, is based upon estimated funds needed to meet the requirements of KRS 161.220 to 161.716, notwithstanding KRS 161.550. If these combined General Fund appropriations are in excess of these requirements, the excess funds shall lapse to the credit of the General Fund.

(3) **Administrative Costs:** In accordance with KRS 161.420, in each fiscal year an amount not greater than four percent of the receipts of the state accumulation fund shall be set aside into the expense fund or expended for the administration of the retirement system. No General Fund moneys are provided in fiscal year 2004-2005 or fiscal year 2005-2006 for the cost of administration.

(4) **Amortization of Sick Leave:** Included in the above General Fund appropriation is $3,669,700 in fiscal year 2004-2005 and $8,009,200 in fiscal year 2005-2006 to provide the cost of amortizing the requirements of KRS 161.155 (sick leave) for members retiring during the 2004-2006 fiscal biennium.

(5) **Fiscal Year 2001-2002 and 2002-2003 Underappropriations:** Included in the above General Fund appropriation is $9,282,500 in fiscal year 2005-2006 to be applied toward underappropriations during fiscal year 2001-2002 and fiscal year 2002-2003, notwithstanding the provisions of KRS 161.550.

(6) **Highly Skilled Educators' Retirement Benefits:** Notwithstanding KRS Chapters 158 and 161, salary supplements received by persons selected as highly skilled educators on or after July 1, 2000, shall not be included in the total salary compensation for any retirement benefits to which the employee may be entitled.

(7) **Cost-of-Living Adjustments for Retirees:** Included in the above appropriation is $3,996,200 in fiscal year 2004-2005 and $7,706,900 in fiscal year 2005-2006 to provide, when combined with the annual one and one-half percent retirement allowance increase provided in KRS 161.620, a total increase in the retirement allowances of eligible system members and beneficiaries of two and three-tenths percent in fiscal year 2004-2005 and an additional two and two-tenths percent in fiscal year 2005-2006.

(8) **Medical Insurance Fund:** No funds are provided in the above appropriations for the employer contributions to the medical insurance fund established in 2004 House Bill 434 in fiscal year 2004-2005 and fiscal year 2005-2006.

8. DEPARTMENT FOR THE BLIND

	2004-05	**2005-06**
General Fund	1,290,300	1,306,300
Restricted Funds	1,847,200	1,833,900
Federal Funds	8,210,400	8,638,400
TOTAL	11,347,900	11,778,600

9. EMPLOYMENT SERVICES

	2004-05	**2005-06**
Restricted Funds	4,869,300	3,393,900
Federal Funds	733,305,800	734,092,000
TOTAL	738,175,100	737,485,900

(1) **Unemployment Insurance Penalty and Interest Account:** Notwithstanding KRS 341.835, funds in the amount of $2,700,000 from the Unemployment Insurance Penalty and Interest Account in the Unemployment Compensation Administration Fund shall be used during each fiscal year by the Department for Employment Services to operate employment, training, and unemployment insurance programs.

(2) **Administration Expenses:** In addition to supplementing the Unemployment Insurance Trust Fund, Federal Funds available to Kentucky as a result of the Reed Act distribution under Section 903(d) of the Federal Social Security Act, as amended, may be used for the administration of the unemployment compensation law and the public employment offices for costs allowable under the Unemployment Insurance and Wagner-Peyser Programs, subject to the provisions of KRS 48.630.

(3) **Facility Replacement and Renovation Program:** The General Assembly authorizes the Department for Employment Services to develop and implement a Facility Replacement and Renovation Program to improve the quality of facilities used by the Department and its clients, and to reduce departmental reliance on lease-rental properties.

Proceeds from the sale, transfer, or other disposition of existing facilities may be expended toward the purchase, construction, renovation, equipping, and furnishing of replacement facilities. Additionally, funds received from the Reed Act distribution under Section 903(d) of the Federal Social Security Act, as amended, may be used for the purpose of acquiring property and constructing a building and such improvements, facilities, paving, landscaping, and fixed equipment as may be required for use by the Education Cabinet. Expenditures authorized by this provision are limited to the use of funds derived from the sale of Cabinet-owned facilities, which equity rights are shared between both the state and national government, and funds received from the Reed Act distribution. Uses of Reed Act funds for these purposes are subject to the provisions of KRS 45.750 to 45.800 and 48.630.

10. TECHNICAL EDUCATION

	2004-05	**2005-06**

General Fund	25,298,700	26,098,700
Restricted Funds	20,232,800	19,970,500
Federal Funds	15,179,700	15,179,700
TOTAL	60,711,200	61,248,900

(1) **Participation in the Education Technology Program by Area Vocational Education Centers:** Area Vocational Education Centers shall be fully eligible to participate in the Kentucky Education Technology System. Notwithstanding KRS 157.650, 157.655, 157.660, and 157.665, the School Facilities Construction Commission, in consultation with the Kentucky Board of Education and the Department of Education, shall develop administrative regulations which identify a methodology by which the average daily attendance for Area Vocational Education Centers may be equated to the average daily attendance of other local school districts in order that they may receive their respective distributions of these funds. The School Facilities Construction Commission shall include Area Vocational Education Centers in any offers of assistance to local school districts for technology assistance during the 2004-2006 fiscal biennium.

(2) **Medical Insurance Fund:** No funds are provided in the above appropriations for the employer contributions to the medical insurance fund established in 2004 House Bill 434 in fiscal year 2004-2005 and fiscal year 2005-2006.

11. TRAINING AND REEMPLOYMENT

	2004-05	**2005-06**
Restricted Funds	700	-0-
Federal Funds	64,231,800	64,345,200
TOTAL	64,232,500	64,345,200

12. VOCATIONAL REHABILITATION

	2003-04	**2004-05**	**2005-06**
General Fund	-0-	12,294,300	12,477,300
Restricted Funds	-0-	2,952,900	2,893,200
Federal Funds	7,000	45,513,000	47,194,000
TOTAL	7,000	60,760,200	62,564,500

(1) **Current Year Appropriation:** Included in the above Federal Funds appropriation is $7,000 in fiscal year 2003-2004 to continue current services.

(2) **Debt Service:** Included in the above General Fund appropriation is $119,100 in fiscal year 2005-2006 for debt service for new bonds as set forth in Part II of this Act.

(3) **Medical Insurance Fund:** No funds are provided in the above appropriations for the employer contributions to the medical insurance fund established in 2004 House Bill 434 in fiscal year 2004-2005 and fiscal year 2005-2006.

(4) **Interpreter Services:** Included in the above General Fund appropriation is $150,000 in fiscal year 2004-2005 and in fiscal year 2005-2006 for interpreter services for students at postsecondary institutions.

(5) **Personnel Cap:** A personnel cap of 494 positions (477 full-time, 16 part-time, and one interim) is authorized.

13. EDUCATION PROFESSIONAL STANDARDS BOARD

	2004-05	**2005-06**
General Fund	9,870,800	10,312,000
Restricted Funds	829,600	829,600
Federal Funds	4,379,200	4,379,200
TOTAL	15,079,600	15,520,800

(1) **National Board of Teaching Standards Certification:** Notwithstanding KRS 161.134, up to $725,000 in fiscal year 2004-2005 and $800,000 in fiscal year 2005-2006 is provided for National Board of Teaching Standards Certification from the General Fund.

(2) **Education Professional Standards Board Operations:** Notwithstanding KRS 161.028(1)(o) and (q), the above Restricted Funds appropriation may be used for the operations of the Board.

(3) **Kentucky Principal Internship Program:** Notwithstanding KRS 161.027, no funds are provided in the above appropriations for the operational costs of the Kentucky Principal Internship Program in either fiscal year of the 2004-2006 biennium.

(4) **Employment of Leadership Personnel:** Notwithstanding KRS 18A.005 to 18A.200, the Education Professional Standards Board shall have the sole authority to determine the employees of the Education Professional Standards Board staff who are exempt from the classified service and to set their compensation comparable to the competitive market.

TOTAL - EDUCATION CABINET

	2003-04	**2004-05**	**2005-06**

General Fund	-0-	283,339,800	307,658,900
Restricted Funds	-0-	47,923,000	46,681,900
Federal Funds	7,000	874,079,000	877,097,800
TOTAL	7,000	1,205,341,800	1,231,438,600

F. ENVIRONMENTAL AND PUBLIC PROTECTION CABINET

Budget Units

1. GENERAL ADMINISTRATION AND PROGRAM SUPPORT

	2004-05	2005-06
General Fund	10,328,400	10,425,400
Restricted Funds	7,118,700	7,222,500
Federal Funds	1,560,500	1,581,500
TOTAL	19,007,600	19,229,400

(1) **Engineering Salary Parity:** The Secretary of the Environmental and Public Protection Cabinet is authorized to expend funds in an amount sufficient to pay engineers in the Cabinet at the same grade as engineers in other cabinets, as appropriate.

(2) **Debt Service:** Included in the above General Fund appropriation is $97,000 in fiscal year 2005-2006 for debt service for new bonds as set forth in Part II of this Act.

2. ENVIRONMENTAL PROTECTION

	2004-05	2005-06
General Fund	23,593,500	23,593,500
Restricted Funds	47,676,900	50,867,600
Federal Funds	16,065,200	15,602,900
TOTAL	87,335,600	90,064,000

(1) **Municipal Solid Waste Landfill Inspectors:** Notwithstanding KRS 224.43-320, no funds are provided in the above appropriations for the assignment of full-time inspectors to each municipal solid waste landfill operating in the Commonwealth.

(2) **Kentucky Pride Program:** Included in the above Restricted Funds appropriation is $24,991,500 in fiscal year 2004-2005 and $29,835,100 in fiscal year 2005-2006 for the Kentucky Pride Program.

(3) **Hazardous Waste Fund:** Notwithstanding KRS 224.46-580(7), the annual hazardous waste assessment as set forth in KRS 224.46-580(8) shall continue until June 30, 2006.

(4) **Solid Waste Enforcement Activity:** In accordance with KRS 224.43-505, the Environmental and Public Protection Cabinet shall suspend until July 2006 enforcement activity regarding landfill closure, maintenance, monitoring, and remediation obligations against formerly permitted municipal solid waste disposal and water facilities owned by a city or county that ceases accepting waste prior to July 1, 1992, except as necessary to abate an environmental emergency.

3. NATURAL RESOURCES

	2004-05	2005-06
General Fund (Tobacco)	9,000,000	9,000,000
General Fund	13,247,800	13,247,800
Restricted Funds	6,269,200	5,526,200
Federal Funds	9,743,900	9,872,100
TOTAL	38,260,900	37,646,100

(1) **Emergency Forest Fire Suppression:** Not less than $240,000 of the General Fund appropriation for each fiscal year shall be set aside for emergency forest fire suppression. There is appropriated from the General Fund the necessary funds, subject to the conditions and procedures provided in this Act, which are required as a result of emergency fire suppression activities in excess of the $240,000 amount. Fire suppression costs in excess of $240,000 annually shall be deemed necessary governmental expenses and shall be paid from the General Fund Surplus Account (KRS 48.700) or the Budget Reserve Trust Fund Account (KRS 48.705).

(2) **Tobacco Settlement Funds:** Included in the above General Fund (Tobacco) appropriation is $9,000,000 in each fiscal year for the Environmental Stewardship Program.

4. SURFACE MINING RECLAMATION AND ENFORCEMENT

	2004-05	2005-06
General Fund	10,509,400	10,509,400

Restricted Funds	6,622,500	6,944,700
Federal Funds	16,832,700	17,007,900
TOTAL	33,964,600	34,462,000

(1) Return of Permit and Acreage Fees: Included in the above General Fund appropriation is $675,000 in each fiscal year for the return of permit and acreage fees under KRS 350.139; any required expenditure for this purpose in excess of this amount in either fiscal year is appropriated to the department.

(2) Surface Coal Mining Permits: The permit block provisions of KRS 350.085(6) shall apply both to surface coal mining and reclamation operations owned or controlled by the applicant, and those operations owning or controlling the applicant. The Natural Resources and Environmental Protection Cabinet shall continue in effect the current state regulations regarding ownership and control provided that a due process hearing shall be afforded at the time that the Cabinet makes a preliminary determination to impose a permit block.

The Cabinet shall conditionally issue a permit, permit renewal, or authorization to conduct surface coal mining and reclamation operations, if the Cabinet finds that a direct administrative or judicial appeal is presently being pursued, in good faith, to contest the validity of the determination of ownership and control linkage. The Cabinet shall conditionally issue permits where the applicant submits proof, including a settlement agreement, that the violation is being abated to the satisfaction of the issuing state or federal agency. Where the initial judicial appeal affirms the ownership or control linkage, the applicant shall have 30 days to submit proof that the violation has been or is in the process of being corrected. Nothing herein shall preclude the applicant from seeking further judicial relief. The reporting requirements of KRS 350.060(3) shall not extend to persons at the level above a publicly traded corporation who own or control the applicant.

The federal Office of Surface Mining proposed in the December 29, 2003, Federal Register a revision of its ownership and control regulations addressing, among other things, permit application information requirements, permit eligibility, and alternative enforcement. When that regulation is published as a final regulation, the Environmental and Public Protection Cabinet is directed to immediately promulgate the final federal regulation on ownership and control as a state regulation. The above provisions governing ownership and control shall remain in effect until the revised federal ownership and control regulation is adopted as a final Kentucky regulation, whereupon these provisions shall become null, void, and unenforceable.

5. ABANDONED MINE LAND RECLAMATION PROJECTS

	2004-05	2005-06
Federal Funds	22,000,000	22,000,000

(1) Fund Receipt and Expenditures Estimates: The above appropriations represent estimates of the funds to be received and expended for this program. If additional funds become available, the funds are appropriated subject to the conditions and procedures provided in this Act.

6. ENVIRONMENTAL QUALITY COMMISSION

	2004-05	2005-06
General Fund	150,000	150,000

(1) Administrative Accountability: The Environmental Quality Commission shall be attached to the Environmental and Public Protection Cabinet's Office of the Secretary, but shall remain a separate budget unit. The Secretary, with the approval of the Commissioners of the Environmental Quality Commission, may employ a director and other necessary Commission staff who shall serve at the pleasure of the Commission and the Secretary.

7. KENTUCKY NATURE PRESERVES COMMISSION

	2004-05	2005-06
General Fund	1,049,300	1,049,300
Restricted Funds	304,600	333,100
Federal Funds	70,500	70,500
TOTAL	1,424,400	1,452,900

(1) Minor Use or Development: Notwithstanding KRS 146.410 to 146.535, the Kentucky State Nature Preserves Commission may allow a minor use or development upon or near the property boundary of a nature preserve when the minor use or development results in the addition of acreage to the preserve, furthers the goal of encouraging land use adjacent to the preserve which can help protect the character of the preserve, furthers an important public purpose identified by another state or local public agency, and does not substantially or fundamentally alter the character of the preserve.

8. ATHLETIC COMMISSION

	2003-04	2004-05	2005-06
Restricted Funds	23,500	129,700	129,700

(1) Current Year Appropriation: Included in the above Restricted Funds appropriation is $23,500 in fiscal year 2003-2004 for expenditures related to a possible professional heavyweight boxing match.

9. PETROLEUM STORAGE TANK ENVIRONMENTAL ASSURANCE FUND

	2004-05	2005-06
Restricted Funds	11,140,000	11,140,000

(1) **Petroleum Storage Tank Environmental Assurance Fund:** Pursuant to KRS 224.60-120(5) and 224.60-130(2)(a), the Petroleum Storage Tank Environmental Assurance Fund may request additional funds not to exceed $1,500,000 if necessary to comply with any financial responsibility requirements promulgated under federal regulations with funds to be deemed as a necessary government expense. In addition, the Petroleum Storage Tank Environmental Assurance Fund may request additional funds if the State Budget Director determines the funds are necessary as a necessary government expense to comply with state and federal requirements for underground petroleum storage tank programs. The funds shall be paid first from the General Fund Surplus Account (KRS 48.700), if available, or from any available balance in the Budget Reserve Trust Fund Account (KRS 48.705).

10. ALCOHOLIC BEVERAGE CONTROL

	2004-05	2005-06
General Fund	1,380,800	1,380,800
Restricted Funds	4,468,100	4,499,200
TOTAL	5,848,900	5,880,000

(1) **Sale and Distribution of Tobacco Products Enforcement:** Included in the above General Fund appropriation is $260,000 in fiscal year 2004-2005 and $260,000 in fiscal year 2005-2006 to carry out the provisions of KRS 438.337.

11. CHARITABLE GAMING

	2004-05	2005-06
Restricted Funds	3,200,000	3,200,000

(1) **Gross Receipts Fee:** Notwithstanding KRS 238.570, the gross receipts fee for fiscal year 2004-2005 and fiscal year 2005-2006 shall be fifty-three one-hundredths of one percent.

12. BOARD OF CLAIMS/CRIME VICTIMS' COMPENSATION BOARD

	2004-05	2005-06
General Fund	813,000	813,000
Restricted Funds	2,834,300	2,856,400
Federal Funds	540,100	540,100
TOTAL	4,187,400	4,209,500

(1) **Sexual Assault Examinations:** Notwithstanding KRS 216B.400(8), examinations for reported victims of sexual assault shall be paid by the Crime Victims' Compensation Board in a manner consistent with KRS Chapter 346, at a rate determined by the Board. The Board shall reimburse the hospital or sexual assault examination facility as provided in administrative regulations promulgated by the Board.

13. FINANCIAL INSTITUTIONS

	2004-05	2005-06
Restricted Funds	8,672,700	8,826,900

14. HORSE RACING AUTHORITY

	2004-05	2005-06
General Fund	509,700	509,700
Restricted Funds	13,221,600	13,011,400
TOTAL	13,731,300	13,521,100

(1) **Quarter Horses Foaled by Artificial Insemination:** Notwithstanding KRS 230.443, the Kentucky Horse Racing Authority shall deem Quarter horses foaled by artificial insemination eligible to race in dates approved under the provisions of KRS Chapter 230.

(2) **Equine Drug Research**: The Kentucky Horse Racing Authority and the Kentucky Equine Drug Research Council shall continue to utilize the Gluck Equine Research Center at the University of Kentucky for drug research and testing pursuant to KRS 230.265(2) and (3).

15. HOUSING, BUILDINGS AND CONSTRUCTION

	2004-05	2005-06
General Fund	2,296,700	2,296,700
Restricted Funds	13,409,000	13,691,100
TOTAL	15,705,700	15,987,800

(1) **Additional Personnel:** Included in the above Restricted Funds appropriation is $1,750,000 in fiscal year 2004-

2005 and $1,750,000 in fiscal year 2005-2006 for 51 new positions, which include 11 plan reviewers, 10 building inspectors, 20 plumbing inspectors, and 10 heating ventilation and cooling inspectors.

16. INSURANCE

	2004-05	**2005-06**
General Fund (Tobacco)	16,782,600	16,751,700
Restricted Funds	24,535,400	25,332,100
TOTAL	41,318,000	42,083,800

(1) **Tobacco Settlement Funds:** Included in the above General Fund (Tobacco) appropriation is $16,782,600 in fiscal year 2004-2005 and $16,751,700 in fiscal year 2005-2006 for the Kentucky Access Program.

(2) **Risk-based Capital (RBC):** A corporation, partnership, or limited liability corporation applying for and holding a certificate of authority as a health maintenance organization, which by contract manages care and processes health care claims solely for Medicaid-eligible enrollees and the Kentucky Children's Health Insurance Program, shall comply with risk-based capital (RBC) requirements as follows:

(a) For purposes of this section, RBC shall be determined in accordance with 806 KAR 38:100. Except for subsection (11)(c) of Section 1. and Section 11. of 806 KAR 38:100, a corporation, partnership, or limited liability corporation applying for and holding a certificate of authority as a health maintenance organization, which by contract manages care and processes health care claims solely for Medicaid-eligible enrollees and the Kentucky Children's Health Insurance Program, shall comply with 806 KAR 38:100;

(b) For the RBC reports required to be filed by health maintenance organizations which manage care and process health care claims solely for Medicaid-eligible enrollees and the Kentucky Children's Health Insurance Program, the RBC levels shall be defined as follows: 1. "Company Action Level RBC" means the product of two and its Authorized Control Level RBC; 2. "Regulatory Action Level RBC" means the product of one and five-tenths and its Authorized Control Level RBC; 3. "Authorized Control Level RBC" means the product of four-tenths and the RBC after covariance determined under the RBC formula in accordance with the RBC instruction; and 4. "Mandatory Control Level RBC" means the product of seven-tenths and the Authorized Control Level RBC; and

(c) A corporation, partnership, or limited liability corporation applying for and holding a certificate of authority as a health maintenance organization managing care, processing health care claims, or providing health benefits to groups or individuals in addition to Medicaid-eligible and Kentucky Children's Health Insurance Program enrollees shall comply with the RBC requirements of subsection (a) of this section and 806 KAR 38:100 and shall not be eligible to calculate its RBC according to this section.

(3) **Kentucky Access:** Notwithstanding KRS 304.17B-031, during the 2004-2006 biennium, the Secretary of the Environmental and Public Protection Cabinet may seek authorization from the State Budget Director to reallocate excess unbudgeted operating funds generated by the Office of Insurance to Access. Any such funding reallocations that are approved by the State Budget Director will be reported to the Interim Joint Committee on Appropriations and Revenue consistent with the provisions of this Act.

17. MINES AND MINERALS

	2004-05	**2005-06**
General Fund	9,035,200	9,035,200
Restricted Funds	1,597,000	2,231,700
Federal Funds	608,100	603,300
TOTAL	11,240,300	11,870,200

(1) **Funds Transfer:** Notwithstanding KRS 342.122, the Kentucky Workers' Compensation Funding Commission will finance a portion of the Mines and Minerals budget through Special Fund assessments. Funds in the amount of $850,000 in fiscal year 2004-2005 and $850,000 in fiscal year 2005-2006 shall be transferred to Mines and Minerals.

18. PUBLIC ADVOCACY

	2004-05	**2005-06**
General Fund	25,264,400	25,264,400
Restricted Funds	5,793,000	5,793,000
Federal Funds	1,474,000	1,569,600
TOTAL	32,531,400	32,627,000

(1) **Compensatory Leave Conversion to Sick Leave:** In the event that the Department of Public Advocacy determines that internal budgetary pressures warrant further austerity measures, the Public Advocate is authorized to institute a policy to suspend payment of 50 hours of compensatory leave and convert these hours to sick leave for those Attorneys who have accumulated 240 hours of compensatory time.

19. PUBLIC SERVICE COMMISSION

	2004-05	2005-06
General Fund	11,154,100	11,409,800
Restricted Funds	1,024,000	1,024,000
Federal Funds	249,600	257,300
TOTAL	12,427,700	12,691,100

(1) **Debt Service:** Included in the above General Fund appropriation is $589,000 in fiscal year 2004-2005 and $589,000 in fiscal year 2005-2006 for debt service for previously issued bonds.

(2) **Lapse of General Fund Moneys:** Notwithstanding KRS 278.150(3), $650,000 in fiscal year 2004-2005 and $900,000 in fiscal year 2005-2006 shall lapse to the credit of the General Fund.

(3) **Water Districts and Water Associations:** A water district created pursuant to KRS Chapter 74 and a water association created pursuant to KRS Chapter 273 that undertakes a waterline extension or improvement project shall not be required to obtain a certificate of public convenience and necessity pursuant to KRS 278.020(1) if the water district is a Class A or B utility as defined in the Uniform System of Accounts established by the Public Service Commission, pursuant to KRS 278.220, as the system of accounts prescribed for utilities in Kentucky; and (a) The water line extension or improvement project will not cost in excess of $250,000; (b) The water district or water association will not, as a result of the water line extension or improvement project, incur obligations requiring Public Service Commission approval pursuant to KRS 278.300; and (c) The water district will not, as a result of the water line extension or improvement project, increase rates to its customers.

(4) **Revenue Bonds:** Any municipality, by action of its governing body, or board or commission established pursuant to KRS Chapter 96, may issue and sell revenue bonds, for the acquisition or purchase of wholesale electric power, or natural or artificial gas, not to exceed 50 percent of the cost of the anticipated total wholesale electric power or natural or artificial gas requirements of the governmental agency during the term of the bonds. Such bonds may not have a term exceeding the term of the contract or agreement.

20. TAX APPEALS

	2004-05	2005-06
General Fund	486,100	486,100

21. WORKPLACE STANDARDS

	2004-05	2005-06
General Fund	1,953,800	1,953,800
Restricted Funds	110,187,700	108,072,700
Federal Funds	3,379,700	3,379,700
TOTAL	115,521,200	113,406,200

(1) **Definition of Gainful Occupation:** Notwithstanding KRS 339.210, "gainful occupation" does not include employment of minors by their own parents or persons standing in the place of a parent including a group medical practice in which the parent has any ownership interest.

22. WORKERS' CLAIMS

	2004-05	2005-06
Restricted Funds	14,591,600	14,561,800

23. OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

	2004-05	2005-06
Restricted Funds	479,300	447,500

24. WORKERS' COMPENSATION FUNDING COMMISSION

	2004-05	2005-06
Restricted Funds	135,755,800	133,407,200

(1) **Mines and Minerals Budget Supplement:** Notwithstanding KRS 342.122, the Kentucky Workers' Compensation Funding Commission is authorized to finance a portion of the Environmental and Public Protection Cabinet's Mines and Minerals budget through Special Fund assessments. Funds in the amount of $850,000 in fiscal year 2004-2005 and $850,000 in fiscal year 2005-2006 shall be transferred to Mines and Minerals.

(2) **Commission Funding:** Notwithstanding KRS 342.122(1)(c), no General Fund appropriation is provided to the Kentucky Workers' Compensation Funding Commission in fiscal year 2004-2005 and fiscal year 2005-2006.

TOTAL - ENVIRONMENTAL AND PUBLIC PROTECTION CABINET

	2003-04	2004-05	2005-06
General Fund (Tobacco)	-0-	25,782,600	25,751,700
General Fund	-0-	111,772,200	112,124,900

Restricted Funds	23,500	419,031,100	419,118,800
Federal Funds	-0-	72,524,300	72,484,900
TOTAL	23,500	629,110,200	629,480,300

G. FINANCE AND ADMINISTRATION CABINET

Budget Units

1. GENERAL ADMINISTRATION

	2004-05	2005-06
General Fund	8,284,600	8,284,600
Restricted Funds	2,649,600	2,649,600
TOTAL	10,934,200	10,934,200

(1) **Affordable Housing Trust Fund:** Included in the above General Fund appropriation is $2,500,000 in fiscal year 2004-2005 and $2,500,000 in fiscal year 2005-2006 for the Affordable Housing Trust Fund. The Kentucky Housing Corporation shall provide from the Kentucky Housing Corporation Housing Assistance Fund to the Affordable Housing Trust Fund $500,000 in fiscal year 2004-2005 and $500,000 in fiscal year 2005-2006.

(2) **Lapse of Excess Gubernatorial Transition Funds:** Unspent gubernatorial transition funds of not less than $110,000 in fiscal year 2003-2004 are directed to be lapsed to the General Fund Surplus Account (KRS 48.700) for appropriation in fiscal year 2003-2004 to the Medicaid Benefits appropriation unit in the Health and Family Services Cabinet in order to increase the amount of Federal Funds able to be matched.

(3) **Office Space for Constitutional Officers:** The Secretary of the Finance and Administration Cabinet shall allocate office space in the State Capitol Building or Capitol Annex to allow all Statewide Constitutional Officers to maintain an office in one of these buildings.

2. OFFICE OF THE CONTROLLER

	2004-05	2005-06
General Fund	5,738,600	5,738,600
Restricted Funds	243,200	250,600
Federal Funds	3,250,000	2,250,000
TOTAL	9,231,800	8,239,200

(1) **Social Security Contingent Liability Fund:** Notwithstanding KRS 61.470(4) or any other statute or provision of law to the contrary, no money is appropriated for the Social Security Contingent Liability Fund established by KRS 61.470(4). Any expenditures that may be required by KRS 61.470 are hereby deemed necessary government expenses and shall be paid first from the General Fund Surplus Account (KRS 48.700), if available, or from any available balance in either the Judgments budget unit appropriation or the Budget Reserve Trust Fund Account (KRS 48.705), subject to the conditions and procedures provided in this Act.

3. DEBT SERVICE

	2004-05	2005-06
General Fund (Tobacco)	10,211,700	6,113,200
General Fund	257,259,900	280,144,600
Road Fund	2,930,000	2,505,000
TOTAL	270,401,600	288,762,800

(1) **New Debt Service:** Included in the above General Fund appropriation is $12,968,000 in fiscal year 2005-2006 to support new bonds as set forth in Part II of this Act for appropriation units within the Finance and Administration Cabinet.

(2) **Tobacco Settlement Funds - Debt Service:** To the extent that revenues sufficient to support the required debt service appropriations are received from the Tobacco Settlement Program, those revenues shall be made available from those accounts to the appropriate account of the General Fund. All necessary debt service amounts shall be appropriated from the General Fund and shall be fully paid regardless of whether there is a sufficient amount available to be transferred from tobacco supported funding program accounts to other accounts of the General Fund.

(3) **Bond Proceeds Transfer and Lapse:** There shall be a transfer, in fiscal year 2004-2005, of $8,300,000 from the Bond and Investment Income Account (0200-750-0350) to the Debt Service Fund (0300 fund) which shall be used to pay debt service. As a result of this transfer, at the end of fiscal year 2004-2005, there shall be a lapse to the General Fund in the amount of $8,300,000.

4. ADMINISTRATION

	2004-05	2005-06
General Fund	3,347,500	3,347,500

Restricted Funds	7,780,300	7,658,200
Road Fund	283,000	283,000
TOTAL	11,410,800	11,288,700

5. FACILITIES MANAGEMENT

	2004-05	2005-06
General Fund	7,475,600	7,475,600
Restricted Funds	28,587,000	28,332,500
TOTAL	36,062,600	35,808,100

(1) **Lieutenant Governor's Mansion Expenses:** Notwithstanding KRS 42.037, the Secretary of the Finance and Administration Cabinet shall expend no state funds for an official residence or for household staff for the Lieutenant Governor, except for expenses necessary to maintain property owned by the Commonwealth.

The Secretary of the Finance and Administration Cabinet is directed to transfer the operation and use of the Lieutenant Governor's Mansion to the Kentucky Historical Society and transfer funding of $100,000 in fiscal year 2004-2005 and $100,000 in fiscal year 2005-2006. The Kentucky Historical Society shall direct the official use of the Lieutenant Governor's Mansion, which shall not be as a residence of the Lieutenant Governor. The Kentucky Historical Society shall also provide appropriate recognition, associated with the Mansion, for Dr. Thomas D. Clark, Kentucky Historian Laureate for Life.

6. COUNTY COSTS

	2004-05	2005-06
General Fund	20,211,100	20,211,100
Restricted Funds	1,925,000	1,925,000
TOTAL	22,136,100	22,136,100

(1) **Base Court Revenue:** Notwithstanding KRS 24A.190 to 24A.193, included in the above General Fund appropriation is $0 funding in fiscal year 2004-2005 and $0 funding in fiscal year 2005-2006 for base court revenue.

Funds required to pay county costs other than base court revenue funded by the General Fund are appropriated and additional funds may be allotted from the General Fund Surplus Account (KRS 48.700) or the Budget Reserve Trust Fund Account (KRS 48.705) by the Secretary of the Finance and Administration Cabinet, subject to the conditions and procedures provided in this Act.

7. GOVERNOR'S OFFICE FOR TECHNOLOGY

	2003-04	2004-05	2005-06
General Fund	-0-	292,500	292,500
Restricted Funds	-0-	56,453,700	56,597,200
Federal Funds	554,000	771,800	628,300
Road Fund	-0-	125,000	125,000
TOTAL	554,000	57,643,000	57,643,000

(1) **Current Year Appropriation:** Included in the above Federal Funds appropriation is $554,000 in fiscal year 2003-2004 to support increased personnel expenditures necessary to implement the Kentucky Landscape Snapshot Project with a federal grant from the National Aeronautics and Space Administration (NASA).

(2) **Expenditure of 911 Emergency Communications System Restricted Fund Receipts:** Notwithstanding KRS 65.760, the governing body of a 911 Emergency Communications System may purchase or repair equipment and supplies, including ambulances, necessary to provide and maintain 911 emergency services. However, only up to 50 percent of the accumulated surplus revenue remaining after meeting all annual obligations under KRS 65.760(3) may be used for this purpose. Any expenditure of accumulated surplus revenue must be approved by the governing body of each party to an interlocal agreement establishing a 911 emergency telephone service.

(3) **Office of Statewide 911 Coordination:** The Office of Statewide 911 Coordination is established within the Governor's Office for Technology. Notwithstanding KRS 65.7621 to 65.7643,, the State Administrator of Commercial Mobile Radio Service (CMRS) Emergency Telecommunications shall serve as the Statewide 911 Coordinator. The Office of Statewide 911 Coordination shall have the responsibility for monitoring, enforcing, and coordinating 911 and enhanced 911 system compliance and implementation statewide. The Office shall provide education, training, and technical assistance for public safety answering points and private telephone system owners and operators. The 911 coordinator shall collect data from public safety answering points and private telephone system owners and operators and shall make a report to the Legislative Research Commission in August of each year. The report shall contain recommendations concerning necessary modifications to compliance requirements occasioned by technological and other advances or changes in telephone system equipment.

(4) **Information Technology Contractor Utilization Report:** The Secretary of the Finance and Administration Cabinet or his or her designee shall be responsible for reporting to the Legislative Research Commission on a semiannual basis

beginning December 30, 2004, regarding utilization of all information technology professional service procured from state master contracts by all agencies within the Executive Branch.

(5) **Information Technology Contractor Utilization Management and Oversight:** The Secretary of the Finance and Administration Cabinet or his or her designee shall oversee and approve the use of hourly-based information technology contract resources procured from state master contracts by all Executive Branch agencies. The Secretary shall report to the Legislative Research Commission, by December 31, 2004, actions taken to implement the approval and oversight process.

(6) **Information Technology Contractor Utilization Reduction:** The Secretary of the Finance and Administration Cabinet is encouraged to work with the Office of State Budget Director and the Department of Personnel to take necessary actions to minimize the reliance on hourly-based information technology contract resources procured from state master contracts. Should savings to the Commonwealth be adequately documented, the actions may include but not be limited to adjustments to the personnel cap, compensation schedule, and classification structure for information technology classifications.

(7) **Merged Dispatch Funds:** Notwithstanding KRS 65.7631, any Public Safety Answering Point (PSAP) that chooses to consolidate operations after July 15, 1998 shall continue to receive pro rata shares as if each had remained separate and distinct entities.

8. REVENUE

	2004-05	**2005-06**
General Fund (Tobacco)	175,000	175,000
General Fund	67,173,500	68,114,900
Restricted Funds	3,953,000	3,915,900
Road Fund	1,418,000	1,418,000
TOTAL	72,719,500	73,623,800

(1) **Insurance Surcharge Rate:** Pursuant to KRS 136.392, the insurance surcharge rate shall be calculated at a rate to provide sufficient funds in the 2004-2006 fiscal biennium for the Firefighters Foundation Program Fund and the Kentucky Law Enforcement Foundation Program Fund. The calculation of sufficient funds for the above-named programs shall include any Restricted Funds carried forward from fiscal years 2003-2004 and 2004-2005 provided by the General Assembly in this Act.

(2) **Road Fund Compliance and Motor Vehicle Property Tax Programs:** The above Road Fund appropriation represents the cost of the Road Fund Compliance and Motor Vehicle Property Tax Programs within the Department of Revenue and is to be used exclusively for that purpose.

(3) **Delinquent Tax Fund:** Notwithstanding KRS 134.400, the administration of the Delinquent Tax Fund is in Property Valuation. Proceeds shall be deposited to this account, except that the first $100,000 shall be deposited exclusively to the General Fund. The Department of Revenue may retain and expend funds from the accumulated balance in the Delinquent Tax Fund account for the administrative activities of the Department of Revenue.

(4) **Tax Compliance and Collection Efforts:** Included in the above General Fund appropriation is $4,007,800 in fiscal year 2004-2005 and $4,181,400 in fiscal year 2005-2006 for personnel, operating costs, and information systems to support compliance and efficiency in collections of delinquent taxes and other amounts owed to the Commonwealth.

(5) **Refund of Sales Tax Paid on Communications Services:** Notwithstanding KRS 139.505, all applicants filing on or after June 1, 2003, for the refundable credit for sales tax paid on communications service shall comply with the following: any business whose interstate communications service, subject to the sales tax imposed under KRS Chapter 139 and deducted for federal income tax purposes, exceeds five percent of the business's Kentucky gross receipts during the preceding calendar year is entitled to a refundable credit if the business's annual Kentucky gross receipts are equal to or more than $1,000,000, and the majority of the interstate communications service billed to a Kentucky service address for the annual period is for communications service originating outside of this state and terminating in this state.

The refundable credit shall be equal only to the sales tax paid on the difference by which the interstate communications service purchased by the business exceeds five percent of the business's Kentucky gross receipts.

To facilitate the administration of the refundable tax credit, the Department of Revenue shall grant eligible businesses which apply for the tax credit permission to directly report and pay the sales tax applicable to the purchase of communications service. Once the business receives permission to directly report and pay the tax, refunds of the tax paid on communications service shall not include any sales tax collected and paid by a communications service provider to the Department of Revenue.

(6) **Operations of the Department of Revenue** Notwithstanding KRS 132.672, 154.12-219, and 365.390(2), funds may be expended in support of the operations of the Department of Revenue.

9. PROPERTY VALUATION ADMINISTRATORS

	2004-05	**2005-06**
General Fund	29,719,600	30,532,600
Restricted Funds	4,760,000	4,760,000
TOTAL	34,479,600	35,292,600

(1) **Management of Expenditures:** Notwithstanding KRS 132.590 and 132.597, the property valuation administrators are authorized to take necessary actions to manage expenditures within the appropriated amounts contained in this Act.

TOTAL - FINANCE AND ADMINISTRATION CABINET

	2003-04	2004-05	2005-06
General Fund (Tobacco)	-0-	10,386,700	6,288,200
General Fund	-0-	399,502,900	424,142,000
Restricted Funds	-0-	106,351,800	106,089,000
Federal Funds	554,000	4,021,800	2,878,300
Road Fund	-0-	4,756,000	4,331,000
TOTAL	554,000	525,019,200	543,728,500

H. HEALTH AND FAMILY SERVICES CABINET

Budget Units

1. GENERAL ADMINISTRATION AND PROGRAM SUPPORT

	2004-05	2005-06
General Fund	36,238,500	36,910,500
Restricted Funds	10,579,400	10,494,000
Federal Funds	45,229,700	45,579,400
TOTAL	92,047,600	92,983,900

(1) **Maximizing Federal Funds:** Pursuant to compliance with the State/Executive Budget Bill and the Statutory Budget Memorandum, the Health and Family Services Cabinet shall maximize Federal Funds for programs within the Cabinet.

(2) **Federally Funded Positions:** Notwithstanding KRS 18A.010(2) and any provisions of this Act to the contrary, direct service units of the Office of Inspector General, Office of Aging Services, Department for Disability Determination, Department for Community Based Services, Department for Medicaid Services, Department for Mental Health/Mental Retardation Services, and the Department for Public Health shall be authorized to establish and fill such additional positions as are 100 percent federally funded for salary and fringe benefits.

(3) **Human Services Transportation Delivery:** Notwithstanding KRS 281.014, 281.870, 281.872, or any other statute or provision of law to the contrary, agencies within the former Cabinet for Families and Children shall not participate in the Human Services Transportation Delivery Program or the Coordinated Transportation Advisory Committee effective July 1, 2002.

(4) **Debt Service:** Included in the above General Fund appropriation is $672,000 in fiscal year 2005-2006 for debt service for new bonds as set forth in Part II of this Act.

(5) **Prohibited Funds Reallocation:** Notwithstanding KRS 48.500 and Part III, Section 31 of this Act, the Secretary for the Cabinet for Health and Family Services shall not reallocate any funds to the General Administration and Program Support or the Medicaid Administration budget units from any other appropriation unit of the Cabinet.

(6) **Management and Administration Contracts:** The Cabinet for Health and Family Services shall provide the Interim Joint Committee on Appropriations and Revenue a copy of any Request for Proposals, at the time it is issued by either the Cabinet, Department for Medicaid Services, or the Finance and Administration Cabinet, concerning the administration or management of any portion or service of the State Medicaid Program.

2. COMMISSION FOR CHILDREN WITH SPECIAL HEALTH CARE NEEDS

	2004-05	2005-06
General Fund (Tobacco)	1,455,000	1,455,000
General Fund	16,200,100	17,100,100
Restricted Funds	23,469,300	25,295,300
Federal Funds	10,300,000	9,374,000
TOTAL	51,424,400	53,224,400

(1) **Tobacco Settlement Funds:** Included in the above General Fund (Tobacco) appropriation is $450,000 in each fiscal year for Universal Newborn Hearing Screening; $5,000 in each fiscal year for Vision Screening; and $1,000,000 each fiscal year for the Kentucky Early Intervention Services First Steps Program.

(2) **Lapse of General Fund (Tobacco) Moneys:** Notwithstanding KRS 200.151, $49,000 of General Fund (Tobacco) shall lapse at the end of fiscal year 2003-2004 to the credit of the General Fund.

3. MEDICAID SERVICES

a. Administration

	2004-05	2005-06

General Fund	18,028,200	18,028,200
Restricted Funds	18,306,000	18,306,000
Federal Funds	42,047,100	42,047,100
TOTAL	78,381,300	78,381,300

(1) **Transfer of Excess Administrative Funds for Medicaid Benefits:** If any portion of the General Fund appropriation in either fiscal year is deemed to be in excess of the necessary expenses for administration of the Department, the amount may be used for Medicaid Benefits, in accordance with statutes governing the functions and activities of the Department for Medicaid Services. In no instance shall these excess funds be used without prior written approval of the State Budget Director to:

(a) Establish a new program;

(b) Expand the services of an existing program; or

(c) Increase rates or payment levels in an existing program.

Any transfer authorized under this section shall be approved by the Secretary of the Finance and Administration Cabinet upon recommendation of the State Budget Director.

(2) **Medicaid Service Category Expenditure Information:** No Medicaid managed care contract shall be valid, and no payment to a Medicaid managed care vendor by the Finance and Administration Cabinet or the Health and Family Services Cabinet shall be made, until the Medicaid managed care contract contains a provision that the contractor shall collect Medicaid expenditure data by the categories of services paid for by the Medicaid Program. Actual statewide Medicaid expenditure data by all categories of Medicaid services, including mandated and optional Medicaid services, special expenditures/offsets, and Disproportionate Share Hospital payments by type of hospital, shall be compiled by the Department for Medicaid Services for all Medicaid providers and forwarded to the Interim Joint Committee on Appropriations and Revenue on a quarterly basis. Projections of Medicaid expenditures by categories of Medicaid services shall be provided to the Interim Joint Committee on Appropriations and Revenue upon request.

b. Benefits

	2003-04	**2004-05**	**2005-06**
General Fund	110,000	759,655,500	765,065,500
Restricted Funds	-0-	398,643,300	414,933,600
Federal Funds	-0-	2,695,811,100	2,735,471,400
TOTAL	110,000	3,854,109,900	3,915,470,500

(1) **Current Year Appropriation:** Included in the above General Fund appropriation is $110,000 is fiscal year 2003-2004 from unspent gubernatorial transition funds to support current services.

(2) **Supports for Community Living Slots:** Included in the above appropriation is $1,416,400 in Restricted Funds support and $3,261,100 in Federal Funds in fiscal year 2004-2005 to support 100 additional Supports for Community Living slots and $2,500,000 in General Fund support, $2,508,000 in Restricted Funds, and $11,465,700 in Federal Funds in fiscal year 2005-2006 to support 300 additional Supports for Community Living slots.

Supports for Community Living Waiver funds shall be appropriated only for direct services to qualified Supports for Community Living Waiver recipients, and any unexpended funds shall not lapse but shall be carried forward to the next fiscal year for the same purpose.

(3) **Acquired Brain Injury Waiver Program:** Included in the above appropriation is $272,500 in Restricted Funds and $627,500 in Federal Funds in fiscal year 2004-2005 and $304,000 in Restricted Funds and $696,000 in Federal Funds in fiscal year 2005-2006 to support the Acquired Brain Injury Waiver program.

(4) **Carry Forward of General Fund Appropriations:** Notwithstanding KRS 45.229, any General Fund appropriation unexpended in fiscal years 2003-2004 and 2004-2005 shall not lapse, but shall be carried forward into the next fiscal year.

(5) **Disproportionate Share Hospital Program:** Hospitals shall report indigent inpatient and outpatient care for which, under federal law, the hospital is eligible to receive disproportionate share payments. Disproportionate Share Hospital payments shall not exceed the maximum amounts established in the federal law.

(6) **Hospital Indigent Patient Billing:** Hospitals shall not bill patients for services where the services have been reported to the Cabinet and the hospital has received disproportionate share payments for the specific services.

(7) **Provider Tax Information:** Any provider who posts a sign or includes information on customer receipts or any material distributed for public consumption indicating that they have paid provider tax shall also post, in the same size typeset as the provider tax information, the amount of payment received from the Department for Medicaid Services during the same period the provider tax was paid. Providers who fail to meet this requirement shall be excluded from the Disproportionate Share Hospital and Medicaid Program. The Health and Family Services Cabinet shall include this provision in facilities' annual licensure inspection.

(8) Quality and Charity Care Trust Fund: No hospital may be reimbursed from both the Quality and Charity Care Trust Fund and the Disproportionate Share Hospital Program for the same service to the same patient. Any hospital that willfully violates this provision shall be subject to a penalty equal to three times the amount of the improper charge to the funds, which amount shall be credited to the General Fund. The Secretary of the Health and Family Services Cabinet shall have the authority to secure the patient information as needed from the participating facilities in order to determine compliance and enforce this provision. Each facility billing and receiving reimbursements from the Quality and Charity Care Trust Fund shall be required to identify each patient by Social Security number and indicate whether the patient is classified as indigent or medically needy. Notwithstanding any other provision of this Act or law, in any fiscal year for which all the parties to the Quality and Charity Care Trust Agreement so agree, the General Fund appropriation to fulfill the Commonwealth's contractual obligation relating to the Quality and Charity Care Trust Agreement or any portion thereof, together with any other funds paid to the Quality and Charity Care Trust contractual obligation of the parties, or any portion thereof, shall be transferred to the Department for Medicaid Services as part of its Restricted Funds appropriation for Benefits. In any fiscal year for which all the parties to the Quality and Charity Care Trust Agreement do not agree to transfer all or any portion of the Trust's revenues to the Department for Medicaid Services for Benefits, the Quality and Charity Care Trust shall operate pursuant to its contractual provisions.

(9) Kentucky Children's Health Insurance Program (KCHIP): The Secretary of the Health and Family Services Cabinet may transfer from the Medicaid Benefits to the KCHIP General Fund or Restricted Funds appropriations to be used to match the Federal allocation. These transfers may be made to cover both additional regular allocations and redistribution from the federal government. The Secretary shall recommend any proposed transfer to the State Budget Director for review and concurrence prior to transfer. Upon concurrence of the State Budget Director and prior to the transfer, the Secretary shall make the appropriate appropriation increase request.

(10) Intergovernmental Transfers (IGT's): Any funds received through an IGT agreement between the Department for Medicaid Services and other governmental entities, in accordance with a federally approved state plan amendment, shall be used to provide for the health and welfare of the citizens of the Commonwealth through the provision of Medicaid benefits. This allocation shall include but not be limited to funds generated through transfer agreements with county-owned nursing homes, county-owned hospitals, state universities, and other governmental agencies. The Secretary of the Health and Family Services Cabinet shall recommend any proposed transfer to the State Budget Director for review and concurrence prior to transfer. Revenues from IGTs are contingent upon agreement by the parties and, when negotiated, the Secretary for Health and Family Services shall make the appropriations increase requests pursuant to KRS 48.630.

(11) Local Tax Revenue for Health Services: The Department for Medicaid Services shall, in association with Local and District Health Departments, implement a process whereby local tax revenues, generated for local health services, may be utilized through the Medicaid program to ensure that Local and District Health Departments receive full payment for services rendered and reimbursement for all eligible services they provide to Medicaid eligibles under the State Plan. The Department for Medicaid Services shall file the necessary documents to obtain federal approval of any required State Plan amendment to utilize these local tax dollars in the Medicaid Benefits program and shall develop individual provider agreements with Local and District Health Departments concerning the receipt and distribution of these local tax revenues.

(12) Child Sexual Abuse Exams: The Department for Medicaid Services shall develop a reimbursement schedule to compensate participating health care providers for the full cost of providing child sexual abuse examinations for eligible children to the extent funds are available. The provisions of this section shall not mandate any services or payments that are not otherwise provided in the Medicaid Benefits budget in this section. The reimbursement schedule shall not be reduced under any Managed Care Agreement. The Department for Medicaid Services may require participating health care providers to meet specific training and experience requirements.

(13) Medicaid Budget Analysis Reports: The Department for Medicaid Services shall submit a quarterly budget analysis report to the Interim Joint Committee on Appropriations and Revenue. The report shall provide monthly detail of actual expenditures, eligibles, and average monthly cost per eligible by eligibility category along with current trailing 12-month averages for each of these figures. The report shall also provide actual figures for all categories of noneligible-specific expenditures such as Supplemental Medical Insurance premiums, Kentucky Patient Access to Care, nonemergency transportation, drug rebates, cost settlements, and Disproportionate Share Hospital payments by type of hospital. The report shall compare the actual expenditure experience with those underlying the enacted or revised enacted budget and explain any significant variances which may occur.

(14) Medicaid Benefits Budget Deficit: In the event Medicaid Benefits expenditures are projected to exceed available funds, the Secretary of the Health and Family Services Cabinet shall be empowered to recommend that reimbursement rates, optional services, eligibles, or programs be reduced or maintained at levels existing at the time of the projected deficit in order to avoid a budget deficit. The projected deficit shall be confirmed by the Governor's Office of Economic Analysis. No service, eligible, reimbursement rate, or program reductions shall be implemented by the Health and Family Services Cabinet without 30 days' prior written notice of such action to the Interim Joint Committee on Appropriations and Revenue and the State Budget Director. Such actions taken by the Health and Family Services Cabinet shall be reported at the next meeting of the Interim Joint Committee on Appropriations and Revenue. Objections to the actions by the Committee shall be responded to, in writing in detail, by the Secretary of the Health and Family Services Cabinet within 30 days of such objections. If the Interim Joint Committee on Appropriations and Revenue objects to the recommendations of the Secretary of the Health and Family Services Cabinet, the recommendations shall be invalid unless:

(a) They are revised to comply with the objections of the committee; or

(b) The committee is informed, in writing in detail, within 30 days of the committee's objections that a determination has been made not to comply with the objections of the committee.

(15) Medicaid Benefits Budget Surplus: In the event Medicaid Benefits expenditures are less than available funds, the Secretary of the Health and Family Services Cabinet may recommend the utilization of available funds to increase reimbursement rates, expand the Medicaid Program or the number of eligibles, or transfer General Funds up to the amount of the excess Restricted Funds to other agencies within the Cabinet to be utilized for direct services to eligibles or clients. No reimbursement rate, service, eligible, or program shall be increased without 30 days' prior written approval of the State Budget Director and review by the Interim Joint Committee on Appropriations and Revenue. Such actions taken by the Health and Family Services Cabinet shall be reported at the next meeting of the Interim Joint Committee on Appropriations and Revenue. Objections to the actions by the Committee shall be responded to, in writing in detail, by the Secretary of the Health and Family Services Cabinet within 30 days of such objections. If the Interim Joint Committee on Appropriations and Revenue objects to the recommendations of the Secretary of the Health and Family Services Cabinet, the recommendations shall be invalid unless:

(a) They are revised to comply with the objections of the committee; or

(b) The committee is informed, in writing in detail, within 30 days of the committee's objections that a determination has been made not to comply with the objections of the committee.

(16) Quarterly Cost Containment Reporting: The Health and Family Services Cabinet shall submit a quarterly report to the Interim Joint Committee on Appropriations and Revenue on cost containment initiatives implemented to reduce costs in the Medicaid program including the actual experience compared to projected savings for each initiative. In addition, this report shall include any anticipated initiatives to be implemented to reduce Medicaid costs, including a projection for savings from each initiative and implementation date. If applicable, the report shall also include a list of anticipated Medicaid program expansions, including projected costs and implementation dates.

(17) Medical Child Support Enforcement: In collaboration with the Department for Community Based Services, the Department for Medicaid Services may implement a pilot program to address the pursuit of funds expended as a result of unenforced medical child support orders. An amount included in the above appropriation not to exceed $125,000 in Restricted Funds and $125,000 in Federal Funds in each fiscal year may be used from Medicaid Benefits in order to provide monetary resources to the county attorneys involved in the pilot program. This project may include a select number of counties which shall be selected based on criteria to be developed by the Department for Medicaid Services and the Department for Community Based Services, and at a minimum shall include an analysis showing that the anticipated return on investment exceeds the cost associated with the pilot program.

(18) Provider Assessments/Increases: Included in the above appropriation in fiscal year 2005-2006 is $58,800,000 in Restricted Funds and $136,900,000 in Federal Funds from provider assessments pursuant to Part III, sections 54 and 55, of this Act. This appropriation shall be contingent upon receipt of any required federal waiver and approval of subsequent State Plan amendments, and shall be distributed as follows:

a. **Medicaid Benefits:** $21,000,000 in Restricted Funds and $49,000,000 in Federal Funds;

b. **Nursing Facility Inflationary Increase;** $30,800,000 in Restricted Funds and $71,700,000 in Federal Funds;

c. **Intermediate Care Facilities for the Mentally Retarded/Developmentally Disabled Inflationary Increase:** $2,600,000 in Restricted Funds and $6,000,000 in Federal Funds; and

d. **Supports for Community Living Inflationary Increase:** $4,400,000 in Restricted Funds and $10,200,000 in Federal Funds.

4. MENTAL HEALTH AND MENTAL RETARDATION SERVICES

	2004-05	**2005-06**
General Fund (Tobacco)	3,126,800	3,122,700
General Fund	169,783,800	170,173,800
Restricted Funds	182,341,300	180,029,600
Federal Funds	41,157,200	39,480,500
TOTAL	396,409,100	392,806,600

(1) Disproportionate Share Hospital Funds: Mental health disproportionate share funds are budgeted at the maximum amounts permitted by the Federal Balanced Budget Act of 1997, as amended by the Federal Benefits Improvements and Protection Act of 2000, in the amount of $30,200,000 in fiscal year 2004-2005 and $30,200,000 in fiscal year 2005-2006.

(2) Kentucky Commission on Services and Supports for Individuals with Mental Illness, Alcohol and Other Drug Abuse Disorders, and Dual Diagnoses: Notwithstanding KRS 210.504, the Department for Mental Health and Mental Retardation Services shall provide at least $12,500 each fiscal year to be distributed to support the continued operation of the 14 regional planning councils and Commission activities relating to the mandates of KRS 210.500, 210.502, 210.504, 210.506, and 210.509, through June 30, 2006. The regional planning councils shall make recommendations for, and the Commission shall develop, a two year work plan for specifying goals and strategies relating to services and supports for individuals with mental illness and alcohol and other drug disorders and dual diagnoses, and efforts to reduce the stigma associated with mental illness and other substance abuse disorders. The Commission shall report workgroup activities and findings to the Governor and Interim Joint

Committee on Health and Welfare by December 1 of each year.

(3) **Debt Service:** Included in the above General Fund appropriation in fiscal year 2005-2006 is $390,000 for debt service to support new bonds as set forth in Part II of this Act.

(4) **Substance Abuse Prevention and Treatment:** Included in the above General Fund (Tobacco) appropriation is $900,000 in each fiscal year for substance abuse prevention and treatment.

(5) **Safety Net/Community Care:** Included in the above General Fund appropriation is $2,000,000 in each fiscal year to mend the safety net of behavioral health services, including but not limited to inpatient and outpatient services, partial hospitalization or psychosocial rehabilitation services, emergency services, crisis stabilization services, consultation and education services, and mental retardation services, which are provided by the 14 Regional Mental Health/Mental Retardation Boards. These funds shall be allocated to restore or strengthen core services to patients who have no payor source. Funds shall be distributed to the regions on a per capita basis as flexible funds.

(6) **Jailer Mental Health Screening Training:** Included in the above General Fund appropriation is $275,000 in each fiscal year to continue a training program relating to mental health consultation and education to jails.

The Kentucky Commission on Services to Individuals with Mental Illness, Alcohol and Other Drug Abuse Disorders, and Dual Diagnoses shall, in its annual review of the Commission plan, include in its duties recommendations for improvements in identifying, treating, housing, and transporting prisoners in jails and juveniles in detention centers with mental illness. Items to be reviewed shall include but not be limited to recommendations for statutory and regulatory changes, training and treatment funding, cost sharing, housing and transportation costs, appropriate treatment sites, and training requirements for local jailers and other officers of the court who may come in contact with persons incarcerated or in detention but deemed mentally ill.

The training shall continue to be delivered by Regional Mental Health/Mental Retardation Board staff to new jailers and new jail staff, except administrative support, on screening and responding to the needs of inmates with mental illness within six months of employment. Treatment services may also be provided for within this funding allocation.

(7) **Homelessness Prevention Pilot Project:** Included in the above General Fund appropriation is $100,000 in each fiscal year to establish a homelessness prevention pilot project in Jefferson County and Clinton, McCreary, or Wayne County.

(8) **Substance Abuse Treatment Services:** Included in the above General Fund (Tobacco) appropriation is $1,000,000 in each fiscal year for substance abuse treatment services in drug courts, and $1,226,800 in General Fund (Tobacco) support and $111,700 in Federal Funds in fiscal year 2004-2005 and $1,222,700 in General Fund (Tobacco) support and $111,700 in Federal Funds in fiscal year 2005-2006 for substance abuse treatment services through Regional Mental Health/Mental Retardation Boards which is transferred from the abolished Kentucky Agency for Substance Abuse Policy. Funds appropriated for this program unexpended in fiscal year 2004-2005 shall not lapse but shall be carried forward to fiscal year 2005-2006 and utilized for the same purpose.

5. PUBLIC HEALTH

	2004-05	**2005-06**
General Fund (Tobacco)	16,428,000	16,373,000
General Fund	55,641,300	56,356,300
Restricted Funds	52,282,500	50,882,500
Federal Funds	148,601,600	148,592,900
TOTAL	272,953,400	272,204,700

(1) **Debt Service:** Included in the above General Fund appropriation is $715,000 in fiscal year 2005-2006 for debt service for new bonds as set forth in Part II. of this Act

(2) **Tobacco Settlement Funds:** Included in the above General Fund (Tobacco) appropriation is $7,599,900 in each fiscal year for the Health Access Nurturing Development Services Program; $2,000,000 in each fiscal year for Healthy Start initiatives; $2,000,000 in each fiscal year for Universal Children's Immunizations; $900,000 in each fiscal year for the Folic Acid Program; $875,000 in each fiscal year for Early Childhood Mental Health; and $337,500 in fiscal year 2004-2005 and $287,500 in fiscal year 2005-2006 for Early Childhood Oral Health. Also included in the above General Fund (Tobacco) appropriation is $2,715,600 in fiscal year 2004-2005 and $2,710,600 in fiscal year 2005-2006 for the Smoking Cessation Program.

(3) **Childhood Immunizations Program:** Included in the above General Fund appropriation is $1,200,000 in fiscal year 2004-2005 and $1,200,000 in fiscal year 2005-2006 to support the state childhood immunizations program. Notwithstanding KRS 45.229, and any provisions of this Act to the contrary, any General Fund appropriation for this program unexpended in fiscal year 2004-2005 shall not lapse but shall be carried forward to fiscal year 2005-2006 and utilized for services of this program.

(4) **Kentucky AIDS Drug Assistance Program:** Included in the above General Fund appropriation is $180,000 in each fiscal year for funding the Kentucky AIDS Drug Assistance Program (KADAP).

(5) **Lead Poisoning Prevention Services:** Included in the above General Fund appropriation is $100,000 each fiscal year for lead poisoning prevention services.

6. CERTIFICATE OF NEED

	2004-05	2005-06
General Fund	117,700	117,700
Restricted Funds	162,900	158,800
TOTAL	280,600	276,500

7. **AGING SERVICES**

	2004-05	2005-06
General Fund	27,372,100	27,372,100
Restricted Funds	519,400	519,900
Federal Funds	21,317,800	21,254,900
TOTAL	49,209,300	49,146,900

(1) **Local Match Requirements:** Notwithstanding KRS 205.460, entities contracting with the Health and Family Services Cabinet to provide essential services under KRS 205.455 and 205.460 shall provide local match equal to or greater than the amount in effect during fiscal year 2001-2002. Local match may include any combination of materials, commodities, transportation, office space, personal services, or other types of facility services or funds. The Secretary of the Health and Family Services Cabinet shall prescribe the procedures to certify the local match assurance.

8. **DISABILITY DETERMINATION SERVICES**

	2004-05	2005-06
Restricted Funds	65,800	65,800
Federal Funds	43,643,800	44,692,200
TOTAL	43,709,600	44,758,000

9. **COMMUNITY BASED SERVICES**

	2004-05	2005-06
General Fund (Tobacco)	8,300,400	8,300,400
General Fund	275,298,100	293,198,100
Restricted Funds	135,166,400	116,471,700
Federal Funds	470,437,700	479,192,500
TOTAL	889,202,600	897,162,700

(1) **Tobacco Settlement Funds:** Included in the above General Fund (Tobacco) appropriation is $8,120,400 in fiscal year 2004-2005 and $8,120,400 in fiscal year 2005-2006 for the Early Childhood Development Program, and $180,000 in fiscal year 2004-2005 and $180,000 in fiscal year 2005-2006 for Child Advocacy Centers.

TOTAL - HEALTH AND FAMILY SERVICES CABINET

	2003-04	2004-05	2005-06
General Fund (Tobacco)	-0-	29,310,200	29,251,100
General Fund	110,000	1,358,335,300	1,384,322,300
Restricted Funds	-0-	821,636,300	817,157,200
Federal Funds	-0-	3,518,646,000	3,565,684,900
TOTAL	110,000	5,727,927,800	5,796,415,500

I. JUSTICE AND PUBLIC SAFETY CABINET

Budget Units

1. **JUSTICE OPERATIONS**

a. **Justice Administration**

	2004-05	2005-06
General Fund	7,153,500	7,690,600
Restricted Funds	622,000	508,900
Federal Funds	11,472,900	8,725,400
TOTAL	19,248,400	16,924,900

(1) **Civil Legal Services for Indigents:** Included in the above General Fund appropriation is $1,316,000 in fiscal year 2004-2005 and $1,316,000 in fiscal year 2005-2006 to provide free civil legal services for indigents.

b. **Criminal Justice Training**

	2004-05	2005-06

Restricted Funds	37,941,400	37,941,400
Federal Funds	2,700,000	2,700,000
TOTAL	40,641,400	40,641,400

(1) **Kentucky Law Enforcement Foundation Program Fund:** Included in the above Restricted Funds appropriation is $36,883,600 in fiscal year 2004-2005 and $36,883,600 in fiscal year 2005-2006 for the Kentucky Law Enforcement Foundation Program Fund.

(2) **Training Incentive Payments:** Notwithstanding KRS 15.460(1), included in the above Restricted Funds appropriation is $3,100 in fiscal year 2004-2005 and $3,100 in fiscal year 2005-2006 for training incentive payments for each participant.

c. **Juvenile Justice**

	2004-05	**2005-06**
General Fund	82,574,100	83,374,100
Restricted Funds	12,200,000	12,193,900
Federal Funds	16,989,000	15,069,000
TOTAL	111,763,100	110,637,000

(1) **Juvenile Justice Grant:** Included in the above General Fund appropriation is $35,000 in fiscal year 2004-2005 and $35,000 in fiscal year 2005-2006 to support the Survivors II Program in Fayette County. General Fund moneys provided for the Survivors II Grant shall not be taken from any moneys or grants that would otherwise be awarded to Prevention Council funds of Lexington-Fayette County nor any other Prevention Council funds and shall come from the Support Services unit of the Juvenile Justice Budget.

(2) **Gateway Juvenile Diversion Center:** Included in the above General Fund appropriation is $350,000 in fiscal year 2004-2005 and $350,000 in fiscal year 2005-2006 for the operation of the Gateway Juvenile Diversion Center.

(3) **Mary Kendall Homes:** Included in the above General Fund appropriation is $300,000 in fiscal year 2004-2005 and $300,000 in fiscal year 2005-2006 for the operation of the Mary Kendall Homes.

(4) **Madison County Juvenile Detention:** Madison County shall be placed in the Fayette Juvenile Detention region under the statewide detention plan. The Madison County juvenile detention facility may remain open to hold juveniles from Madison County until the state-operated facility in Fayette County opens, and the county shall receive the detention subsidy provided for in KRS 635.060(3).

(5) **Clark County Juvenile Detention:** Clark County shall be placed in the Fayette Juvenile Detention region under the statewide detention plan. The Clark County juvenile detention facility may remain open to hold juveniles from Clark County and other counties until the state-operated facility in Fayette County opens, and the county shall receive the detention subsidy provided for in KRS 635.060(3).

d. **State Police**

	2004-05	**2005-06**
General Fund	60,719,500	62,028,500
Restricted Funds	8,852,700	8,774,000
Federal Funds	13,814,700	13,444,700
Road Fund	50,000,000	50,000,000
TOTAL	133,386,900	134,247,200

(1) **Call to Extraordinary Duty:** There is appropriated from the General Fund to the Department of State Police, subject to the conditions and procedures provided in this Act, funds which are required as a result of the Governor's call of the Kentucky State Police to extraordinary duty when an emergency situation has been declared to exist by the Governor. Funding is authorized to be provided from the General Fund Surplus Account (KRS 48.700) or the Budget Reserve Trust Fund Account (KRS 48.705).

(2) **State Police Authorized Strength:** The Kentucky State Police sworn officer authorized strength, as defined in KRS 16.010, is 1,070.

(3) **Debt Service Payments:** Included in the above General Fund appropriation is $1,309,000 in fiscal year 2005-2006 to provide for debt service to support new bonds as set forth in Part II of this Act.

(4) **Executive Security Detail for Lieutenant Governor:** The State Police shall not provide executive security or transportation to the Lieutenant Governor unless the Commissioner of the Department of State Police makes a determination that specific security measures are warranted or the Governor allocates executive security to the Lieutenant Governor from the current complement of the Kentucky State Police sworn officers assigned directly to the Governor. The Department of State Police shall report to the Interim Joint Committee on Appropriations and Revenue at the end of each quarter of each fiscal year, the expenditure of any moneys on security for the Governor and for the Lieutenant Governor.

(5) **Boyd County Crime Lab:** The crime lab and its operations located in Boyd County, if moved from its current location, shall be relocated within Boyd County.

(6) **Body Armor:** Notwithstanding KRS 16.220(3), funds from the proceeds of firearm sales shall be used to purchase body armor for State Police Cadets. The remaining funds shall be utilized by the Department for Local Government according to KRS 16.220(3).

TOTAL - JUSTICE OPERATIONS

	2004-05	**2005-06**
General Fund	150,447,100	153,093,200
Restricted Funds	59,616,100	59,418,200
Federal Funds	44,976,600	39,939,100
Road Fund	50,000,000	50,000,000
TOTAL	305,039,800	302,450,500

2. CORRECTIONS

a. Corrections Management

	2004-05	**2005-06**
General Fund	15,624,800	15,950,500
Restricted Funds	13,294,800	13,294,800
Federal Funds	921,600	50,000
TOTAL	29,841,200	29,295,300

(2) **Jailer Mental Health Screening Training**: The Kentucky Commission on Services to Individuals with Mental Illness, Alcohol and Other Drug Abuse Disorders, and Dual Diagnoses shall, in its annual review of the Commission plan, include in its duties recommendations for improvements in identifying, treating, housing, and transporting prisoners in jails and juveniles in detention centers with mental illness. Items to be reviewed shall include but not be limited to recommendations for statutory and regulatory changes, training and treatment funding, cost sharing, housing and transportation costs, appropriate treatment sites, and training requirements for local jailers and other officers of the court who may come in contact with persons incarcerated or in detention but deemed mentally ill.

The training shall continue to be delivered by Regional Mental Health/Mental Retardation Board staff to new jailers and new jail staff, except administrative support, on screening and responding to the needs of inmates with mental illness within six months of employment. Treatment services may also be provided for within this funding allocation.

b. Adult Correctional Institutions

	2004-05	**2005-06**
General Fund	195,496,400	195,674,600
Restricted Funds	5,609,000	5,609,000
Federal Funds	315,200	315,200
TOTAL	201,420,600	201,598,800

(1) **Placement of Adult Inmates:** No adult inmates except those assigned to and housed in county jails pursuant to KRS 532.100, and those inmates necessary to meet the minimum capacity requirements under contracts currently in effect for the operation of the Marion Adjustment Center and the Lee Adjustment Center, shall be housed in privately owned and operated correctional facilities so long as space is available in state-owned correctional facilities.

(2) **Renewal of Privatization Contracts:** No contract currently in effect for the operation of a prison authorized under the provisions of KRS 197.500 to 197.540 shall be renewed if beds in state-owned facilities sufficient to house the inmate population provided for under that contract are available at the time of the contract renewal.

(3) **Privatization of Services:** No action shall be taken for privatization of any service performed for or at an adult correctional facility or operations of an entire adult correctional facility that were not in effect on the effective date of this Act unless this Act expressly authorizes such action.

c. Little Sandy Correctional Complex in Elliott County

	2004-05	**2005-06**
General Fund	10,412,800	12,107,600

(1) **Little Sandy Correctional Complex in Elliott County:** Included in the above General Fund appropriation is $10,412,800 in fiscal year 2004-2005 and $12,107,600 in fiscal year 2005-2006 for the operation of the Little Sandy Correctional Complex in Elliott County. The operation of the Little Sandy Correctional Complex in Elliott County, including any service performed for or at the Correctional Complex, shall not be contracted to a private vendor unless those services are currently provided through a contract at another state-owned and operated adult correctional institution in Kentucky. Notwithstanding any

other provision of this Act to the contrary, no General Fund appropriations provided to the Little Sandy Correctional Complex in Elliott County shall be transferred to other appropriation or allotment units, and funds specified above shall be expended exclusively for the state operation of the Little Sandy Correctional Complex in Elliott County. Notwithstanding KRS 45.229, any funds remaining at the end of fiscal year 2004-2005 from the General Fund appropriation provided to the Little Sandy Correctional Complex in Elliott County shall not lapse and shall be carried forward into fiscal year 2005-2006 for the same purpose.

d. Community Services and Local Facilities

	2004-05	2005-06
General Fund	82,654,200	86,290,500
Restricted Funds	371,000	371,000
TOTAL	83,025,200	86,661,500

(1) **Probation and Parole Credit:** Notwithstanding KRS 439.344, the period of time spent on parole shall count as a part of the prisoner's remaining unexpired sentence, when it is used to determine a parolee's eligibility for a final discharge from parole as set out in KRS 439.354, or when a parolee is returned as a parole violator for a violation other than a new felony conviction.

(2) **Excess Local Jail Per Diem Costs:** In the event that actual local jail per diem payments exceed the amounts provided to support the budgeted average daily population of state felons in county jails for fiscal year 2004-2005 and fiscal year 2005-2006, the payments shall be deemed necessary governmental expenses and may be paid from the General Fund Surplus Account (KRS 48.700) or the Budget Reserve Trust Fund Account (KRS 48.705) subject to notification as to necessity and amount by the State Budget Director who shall report any certified expenditure to the Interim Joint Committee on Appropriations and Revenue. Notwithstanding any other provision of this Act to the contrary, no General Fund appropriations to the Community Services and Local Facilities appropriation unit shall be transferred to other appropriation units and shall be expended exclusively for purposes currently assigned within this appropriation unit.

(3) **Probation and Parole Salary Improvement Plan:** In accordance with KRS 196.076(1) to (8), funding is provided for the Probation and Parole Salary Improvement Program.

e. Local Jail Support

	2004-05	2005-06
General Fund	15,276,100	15,276,100

(1) **Inmate Medical Care Expenses:** Included in the above General Fund appropriation is $931,100 in fiscal year 2004-2005 and $931,100 in fiscal year 2005-2006 for medical care contracts to be distributed, upon approval of the Department of Corrections, to counties by the formula codified in KRS 441.206; $295,900 in fiscal year 2004-2005 and $295,900 in fiscal year 2005-2006 is provided, on a partial reimbursement basis, for medical claims in excess of the statutory threshold pursuant to KRS 441.045. The funding support for medical contracts and catastrophic medical expenses for indigents shall be maintained in discrete accounts. Any medical claim which exceeds the statutory threshold may be reimbursed for that amount in excess of the statutory threshold. In no event shall this apply to expenses of an elective, as opposed to emergency basis, and expenses shall be paid according to the Kentucky Medical Assistance Schedule.

TOTAL - CORRECTIONS

	2004-05	2005-06
General Fund	319,464,300	325,299,300
Restricted Funds	19,274,800	19,274,800
Federal Funds	1,236,800	365,200
TOTAL	339,975,900	344,939,300

3. VEHICLE ENFORCEMENT

	2004-05	2005-06
Restricted Funds	329,200	329,200
Federal Funds	3,614,800	3,787,100
Road Fund	12,215,700	12,518,100
TOTAL	16,159,700	16,634,400

TOTAL - JUSTICE AND PUBLIC SAFETY CABINET

	2004-05	2005-06
General Fund	469,911,400	478,392,500
Restricted Funds	79,220,100	79,022,200
Federal Funds	49,828,200	44,091,400
Road Fund	62,215,700	62,518,100

TOTAL		661,175,400	664,024,200

J. POSTSECONDARY EDUCATION

Budget Units

1. COUNCIL ON POSTSECONDARY EDUCATION

	2003-04	2004-05	2005-06
General Fund (Tobacco)	-0-	5,431,300	5,421,300
General Fund	4,000,000	114,094,900	152,719,000
Federal Funds	788,800	19,099,400	19,099,400
TOTAL	4,788,800	141,303,400	178,708,600

(1) **Current Year Appropriations:** Included in the above General Fund appropriation is $4,000,000 in fiscal year 2003-2004 for the Student Financial Aid and Advancement Trust Fund and included in the above Federal Funds appropriation is $788,800 in fiscal year 2003-2004 for the GEAR UP Program.

(2) **Debt Service:** Included in the above General Fund appropriation for the Research Challenge Trust Fund is $3,815,000 in fiscal year 2005-2006 for debt service to support the Research related capital project appropriations authorized in Part II, Capital Projects Budget, of this Act.

Included in the above General Fund appropriation for the Physical Facilities Fund is $527,000 in fiscal year 2004-2005 and $25,728,000 in fiscal year 2005-2006 for debt service to support new bonds as set forth in Part II of this Act, for Postsecondary Education institutions.

(3) **Carry Forward of General Fund Appropriations:** Notwithstanding KRS 45.229, the General Fund appropriation in fiscal years 2003-2004 and 2004-2005 to the Adult Education and Literacy Funding Program shall not lapse.

Notwithstanding KRS 45.229, the General Fund appropriation in fiscal years 2003-2004 and 2004-2005 to the Science and Technology Funding Program shall not lapse.

(4) **Strategic Investment and Incentive Trust Funds Interest Income:** Notwithstanding KRS 164.7911, 164.7913, 164.7915, 164.7917, 164.7919, 164.7921, 164.7923, 164.7925, and 164.7927, interest earnings in the amount of $820,000 in fiscal year 2004-2005 and $393,900 in fiscal year 2005-2006 shall be transferred from Strategic Investment and Incentive Trust Funds included under these statutes to Agency Revenue accounts within the Council on Postsecondary Education budget unit in the following amounts and for the following specified purposes: $100,000 in fiscal year 2004-2005 for the Contract Spaces Program, $105,500 in each year of the biennium for the Minority Student College Preparation program, $188,400 in each year of the biennium for the Southern Regional Board Doctoral Scholars program, and $100,000 in each year of the biennium for the P-16 Council/Early Math Testing programs, and $326,100 in fiscal year 2004-2005 for the Knowledge-Based Economy Academic program.

(5) **Interest Earnings Transfer from the Strategic Investment and Incentive Trust Fund Accounts:** Notwithstanding KRS 164.7911, 164.7913, 164.7915, 164.7917, 164.7919, 164.7921, 164.7923, 164.7925, and 164.7927, any expenditures from the Strategic Investment and Incentive Trust Fund accounts in excess of appropriated amounts by the Council on Postsecondary Education shall be subject to KRS 48.630.

(6) **Kentucky Science and Technology Corporation:** Notwithstanding KRS 164.6017, the Kentucky Science and Technology Corporation shall submit an annual plan detailing the annual allocation of funds from the Science and Technology Funding Program, excluding funds for the Knowledge-Based Economy Academic Programs, for review and approval by the Council on Postsecondary Education and the Office of the Commissioner for the New Economy within the Cabinet for Economic Development, prior to the Council on Postsecondary Education executing a contract with the Corporation to administer Science and Technology Funding programs.

(7) **Tuition Affordability:** The Council on Postsecondary Education should endeavor to minimize tuition increases to the extent possible and maintain Kentucky's affordability in providing postsecondary education for Kentuckians.

(8) **Past Enrollment Growth Funding:** Included in the above General Fund appropriation is $5,000,000 in fiscal year 2005-2006 to be allocated by the Council on Postsecondary Education among the postsecondary education institutions to rebalance the base funding of the institutions in the context of significant and disproportionate student enrollment growth over the past several years.

(9) **Tuition-Setting Process:** The Council on Postsecondary Education shall implement a tuition-setting process that includes an on-campus hearing, conducted by the institution's board of trustees which provides adequate public notification, and an annual review of each institution's tuition rate proposal. In addition, the Council on Postsecondary Education shall review all existing and future reciprocity agreements among the states to ensure that appropriations to Kentucky postsecondary education institutions are not used to subsidize out-of-state residents. The Council on Postsecondary Education shall provide annually, to the Strategic Committee on Postsecondary Education, a report sufficient to ensure that the oversight responsibility assigned in this section is carried out.

(10) **Secretary of the Education Cabinet:** Notwithstanding KRS 12.020, the Council on Postsecondary Education is attached to the Office of the Secretary of the Education Cabinet for the purpose of dissemination of information only, and the

Secretary of the Education Cabinet shall not have any authority over the functions, personnel, funds, equipment, facilities, or records of the Council on Postsecondary Education during the 2004-2006 biennium.

(11) Employment in Postsecondary Institutions: Notwithstanding KRS 48.310, the following statute shall be amended as follows and shall have permanent effect, subject to future actions by the General Assembly:

Section 1. KRS 164.360 is amended to read as follows:

(1) (a) Each board of regents for the universities may appoint a president, and on the recommendation of the president may, in its discretion, appoint all faculty members and employees and fix their compensation and tenure of service, subject to the provisions of subsection (2) of this section.

(b) The board of regents for the Kentucky Community and Technical College System shall appoint a president, and on the recommendation of the president may, in its discretion, appoint all faculty members and employees and fix their compensation and tenure of service, subject to the provisions of subsection (2) of this section.

(2) No person shall be employed for a longer period than four (4) years. No person shall be employed at an institution where his relative serves on the board of regents for that institution***, unless that person has been employed for at least twelve (12) months prior to the regent's appointment to the board***.

(3) Each board may remove the president of the university or Kentucky Community and Technical College System, and upon the recommendation of the president may remove any faculty member or employees, but no president or faculty member shall be removed except for incompetency, neglect of or refusal to perform his duty, or for immoral conduct. A president or faculty member shall not be removed until after ten (10) days' notice in writing, stating the nature of the charges preferred, and after an opportunity has been given him to make defense before the board by counsel or otherwise and to introduce testimony which shall be heard and determined by the board. Charges against a president shall be preferred by the chairperson of the board upon written information furnished to him, and charges against a faculty member shall be preferred in writing by the president unless the offense is committed in his presence.

(12) Diversity Recruitment and Retention: The universities shall develop and implement specific strategies and plans calculated to achieve reasonable diversity in the recruitment and retention of women, African Americans, and other underrepresented minorities for positions funded by the Endowment Match Program, including fellowship, scholarship, and graduate assistantship recipients. With regard to endowed chairs and endowed professorships funded by the Endowment Match Program, the universities shall report annually to the Council on Postsecondary Education of the race and gender of all faculty and their full-time professional staff. The reports shall also include the race and gender of all fellowship, scholarship, and graduate assistantship recipients funded by the Endowment Match Program.

(13) Regional Stewardships: Included in the above General Fund appropriation in fiscal year 2005-2006 is $4,500,000 for the Regional Stewardships program for the comprehensive and research postsecondary education institutions

(14) Washington Internship Program: Included in the above General Fund appropriation is $100,000 in fiscal year 2004-2005 and $100,000 in fiscal year 2005-2006 for the Washington Center for Internships Scholarships Program.

(15) Research and Development Voucher Limitations: Notwithstanding KRS 164.6025, the maximum Kentucky Research and Development Voucher funds awarded to a qualified company shall not exceed $400,000 over a two-year period.

2. KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY

	2004-05	**2005-06**
General Fund (Tobacco)	900,000	900,000
General Fund	73,953,400	88,831,600
Restricted Funds	102,846,700	104,962,300
Federal Funds	1,714,900	1,726,000
TOTAL	179,415,000	196,419,900

(1) College Access Program: Notwithstanding KRS 154A.130(4), included in the above General Fund appropriation is $45,442,900 for the College Access Program in fiscal year 2004-2005 and $54,763,400 in fiscal year 2005-2006.

(2) Kentucky Tuition Grant Program: Notwithstanding KRS 154A.130(4), included in the above General Fund appropriation is $22,975,500 for the Kentucky Tuition Grant Program in fiscal year 2004-2005 and $28,470,000 in fiscal year 2005-2006.

(3) Teacher Scholarship Program: Notwithstanding KRS 154A.130(4), included in the above General Fund appropriation for the Teacher Scholarship Program is $1,681,600 in fiscal year 2004-2005 and $1,681,600 in fiscal year 2005-2006.

(4) Kentucky's Affordable Prepaid Tuition (KAPT): Included in the above Restricted Funds appropriation is $742,700 in fiscal year 2004-2005 and $841,400 in fiscal year 2005-2006 for the administration and marketing of the Kentucky's Affordable Prepaid Tuition Program.

(5) Tobacco Settlement Funds: Included in the above General Fund (Tobacco) appropriation is $900,000 in fiscal year 2004-2005 and $900,000 in fiscal year 2005-2006 for Early Childhood Scholarships.

(6) **Commonwealth Postsecondary Education Prepaid Tuition Trust Fund:** Notwithstanding KRS 393.015, no abandoned property cash proceeds shall be made available for support of the Commonwealth Postsecondary Education Prepaid Tuition Trust during fiscal biennium 2004-2006.

Annually, the Kentucky Higher Education Authority shall have the actuarial soundness of the Commonwealth Postsecondary Education Prepaid Tuition Trust Fund evaluated by a nationally recognized actuary and shall determine whether additional assets are necessary to defray the obligations of the Fund. If, after the Authority sets the price for contracts, circumstances arise that the executive director determines necessitate an additional evaluation of the actuarial soundness of the Fund, the executive director shall have a nationally recognized actuary conduct the necessary evaluation. If the assets of the Fund are insufficient to ensure the actuarial soundness of the Fund, the Authority shall adjust the price of subsequent purchases of contracts to the extent necessary to help restore the actuarial soundness of the Fund. If at any time the adjustment is likely, in the opinion of the Authority, to diminish the marketability of contracts to an extent that the continued sale of the contracts likely would not restore the actuarial soundness of the Fund and external economic factors continue to negatively impact the soundness of the program, the Authority may suspend sales, either permanently or temporarily, of contracts. During any suspension, the authority shall continue to service existing contract accounts.

(7) **Kentucky Educational Excellence Scholarships (KEES):** Notwithstanding KRS 164.7871(2) and 164.7877(2) , in the event that funds remain in the Kentucky Educational Excellence Scholarship Trust Fund in excess of the amount required to provide KEES awards to all postsecondary education students for an award period, the Kentucky Higher Education Assistance Authority may transfer excess amounts to the College Access Program and the Kentucky Tuition Grant Program established in KRS Chapter 164.

3. EASTERN KENTUCKY UNIVERSITY

	2003-04	**2004-05**	**2005-06**
General Fund	-0-	71,047,200	72,888,300
Restricted Funds	394,200	99,016,500	108,857,500
Federal Funds	-0-	45,655,400	47,929,900
TOTAL	394,200	215,719,100	229,675,700

(1) **Current Year Appropriation:** Included in the above Restricted Funds appropriation is $394,200 in fiscal year 2003-2004 to be expended for general operating expenses and purposes specific to grants and contracts.

(2) **Debt Service:** Included in the above General Fund appropriation is $3,311,200 in fiscal year 2004-2005 and $3,848,000 in fiscal year 2005-2006 for debt service for previously issued bonds.

(3) **University Farm:** Included in the above General Fund appropriation is $200,000 each fiscal year for maintenance and operation support of the university farm and which shall be expended for no other purpose.

4. KENTUCKY COMMUNITY AND TECHNICAL COLLEGE SYSTEM (KCTCS)

	2003-04	**2004-05**	**2005-06**
General Fund	-0-	181,289,900	181,315,700
Restricted Funds	-0-	195,586,100	217,738,000
Federal Funds	30,071,300	114,023,700	129,987,000
TOTAL	30,071,300	490,899,700	529,040,700

(1) **Current Year Appropriation:** Included in the above Federal Funds appropriation is $30,071,300 in fiscal year 2003-2004 to be expended for specific federal grants and contracts purposes.

(2) **Debt Service:** Included in the above General Fund appropriation is $6,008,100 in fiscal year 2004-2005 and $5,987,100 in fiscal year 2005-2006 for debt service for previously issued bonds.

(3) **Firefighters Foundation Program Fund:** Included in the above Restricted Funds appropriation is $24,300,500 in fiscal year 2004-2005 and $25,198,700 in fiscal year 2005-2006 for the Firefighters Foundation Program Fund. Notwithstanding KRS 95A.250(1), or the provisions of any other law, supplemental payments for each qualified professional firefighter under the Firefighters Foundation Program Fund shall be $3,100 in fiscal year 2004-2005 and $3,100 in fiscal year 2005-2006. Notwithstanding KRS 95A.200 to 95A.265, an additional $1,000,000 each year from the Firefighters Foundation Program Fund is authorized to be expended on firefighter training, equipment, and support activities.

(4) **Firefighters Training Center Fund:** Notwithstanding KRS 95A.200 to 95A.265, $500,000 is provided each fiscal year of the 2004-2006 fiscal biennium for the Firefighters Training Center Fund.

(5) **Postsecondary Workforce Training Program:** Included in the above General Fund appropriation is $6,000,000 each year of the biennium for the Postsecondary Workforce Training Program to be used for worker training programs. These funds shall be used specifically to meet the customized workforce training needs of individual companies or consortia of companies.

(6) **Retirement Issues:** Kentucky Community Technical College System shall work with the Kentucky Employees Retirement System to resolve issues concerning Kentucky Community Technical College System employees that may be covered

by the Kentucky Employees Retirement System.

(7) **Salary Parity:** The Kentucky Community and Technical College System shall place the highest priority on distributing pay raises in a fair and equitable manner to all employees, regardless of which personnel system they belong.

5. KENTUCKY STATE UNIVERSITY

	2003-04	2004-05	2005-06
General Fund	-0-	23,414,900	23,296,000
Restricted Funds	-0-	14,176,500	14,176,500
Federal Funds	1,528,600	13,259,000	13,259,000
TOTAL	1,528,600	50,850,400	50,731,500

(1) **Current Year Appropriation:** Included in the above Federal Funds appropriation is $1,528,600 in fiscal year 2003-2004 to be expended for specific federal grants and contracts purposes.

(2) **Debt Service:** Included in the above General Fund appropriation is $1,664,900 in fiscal year 2004-2005 and $873,500 in fiscal year 2005-2006 for debt service for previously issued bonds.

6. MOREHEAD STATE UNIVERSITY

	2003-04	2004-05	2005-06
General Fund	-0-	41,550,300	41,806,700
Restricted Funds	4,942,700	58,397,300	58,585,200
Federal Funds	-0-	36,752,900	36,674,500
TOTAL	4,942,700	136,700,500	137,066,400

(1) **Current Year Appropriation:** Included in the above Restricted Funds appropriation is $4,942,700 in fiscal year 2003-2004 to be expended for general operating expenses and purposes specific to grants and contracts.

(2) **University Farm:** Included in the above General Fund appropriation is $200,000 each fiscal year for maintenance and operation support of the university farm and which shall be expended for no other purpose.

(3) **Debt Service:** Included in the above General Fund appropriation is $1,403,600 in fiscal year 2004-2005 and $1,411,200 in fiscal year 2005-2006 for debt service for previously issued bonds.

7. MURRAY STATE UNIVERSITY

	2003-04	2004-05	2005-06
General Fund	-0-	50,203,000	51,434,200
Restricted Funds	3,890,100	60,392,600	64,150,700
Federal Funds	-0-	13,393,300	13,393,300
TOTAL	3,890,100	123,988,900	128,978,200

(1) **Current Year Appropriation:** Included in the above Restricted Funds appropriation is $3,890,100 in fiscal year 2003-2004 to be expended for general operating expenses and purposes specific to grants and contracts.

(2) **Debt Service:** Included in the above General Fund appropriation is $1,908,400 in fiscal year 2004-2005 and $1,909,600 in fiscal year 2005-2006 for debt service for previously issued bonds.

(3) **University Farm:** Included in the above General Fund appropriation is $200,000 each fiscal year for maintenance and operation support of the university farm and which shall be expended for no other purpose.

8. NORTHERN KENTUCKY UNIVERSITY

	2003-04	2004-05	2005-06
General Fund	-0-	45,068,500	45,823,600
Restricted Funds	13,226,200	92,525,000	101,001,000
Federal Funds	3,461,600	11,130,700	11,130,700
TOTAL	16,687,800	148,724,200	157,955,300

(1) **Current Year Appropriation:** Included in the above Restricted Funds appropriation is $13,226,200 in fiscal year 2003-2004 to be expended for general operating expenses and purposes specific to grants and contracts. Included in the above Federal Funds appropriation is $3,461,600 in fiscal year 2003-2004 to be expended for specific federal grants and contracts purposes.

(2) **Debt Service:** Included in the above General Fund appropriation is $4,974,500 in fiscal year 2004-2005 and $4,731,700 in fiscal year 2005-2006 for debt service for previously issued bonds.

9. UNIVERSITY OF KENTUCKY

	2004-05	2005-06

General Fund		304,656,000	307,124,000
Restricted Funds		957,076,400	995,223,100
Federal Funds		170,696,000	175,533,600
TOTAL		1,432,428,400	1,477,880,700

(1) **Debt Service:** Included in the above General Fund appropriation is $7,143,500 in fiscal year 2004-2005 and $7,129,900 in fiscal year 2005-2006 for debt service for previously issued bonds for the University of Kentucky.

(2) **Lexington Community College:** Included in the above General Fund appropriation is $9,060,600 in fiscal year 2004-2005 and $9,060,600 in fiscal year 2005-2006 to support the operations of the Lexington Community College, of which $738,800 in fiscal year 2004-2005 and $742,500 in fiscal year 2005-2006 is for debt service for previously issued bonds.

Included in the above Restricted Funds appropriation is $17,871,800 in fiscal year 2004-2005 and $18,971,600 in fiscal year 2005-2006 to support the operations of the Lexington Community College.

Included in the above Federal Funds appropriation is $8,877,300 in fiscal year 2004-2005 and $8,937,600 in fiscal year 2005-2006 to support the operations of the Lexington Community College.

(3) **Ovarian Cancer:** Notwithstanding KRS 164.7911 to 164.7927, General Fund (Tobacco) dollars in the amount of $775,000 each fiscal year shall be allotted from the Research Challenge Trust Fund's Lung Cancer Research Program to the Ovarian Cancer Screening Outreach Program at the University of Kentucky. The Ovarian Cancer Screening Outreach Program may accept gifts, grants, and bequests in support of its mission and duties. All funds received shall be administered by the University of Kentucky through appropriate trust and agency accounts.

(4) **,Robinson Forest Scholars:** Included in the above General Fund appropriation is $500,000 each year of the biennium for the Robinson Forest Scholars. In the allocation of institutional resources for scholarships, the Robinson Forest Scholars shall be given the highest priority.

(5) **Oral History Program:** Notwithstanding KRS 7B.080, $500,000 is provided from the Kentucky Long-Term Policy Research Center Fund in fiscal year 2004-2005 for the University of Kentucky Oral History Program. The program shall be named the University of Kentucky Edward T. Breathitt, Louie B. Nunn Oral History Program. These funds are eligible to be matched by the Research Challenge Trust Fund, Endowment Match Program.

(6) **Domestic Violence Program:** Included in the above General Fund appropriation is an additional $25,000 in fiscal year 2004-2005 and an additional $25,000 in fiscal year 2005-2006 for the Domestic Violence Program.

10. UNIVERSITY OF LOUISVILLE

	2003-04	**2004-05**	**2005-06**
General Fund	-0-	172,263,200	174,188,800
Restricted Funds	18,289,400	357,507,500	390,008,200
Federal Funds	22,392,400	80,500,500	87,818,700
TOTAL	40,681,800	610,271,200	652,015,700

(1) **Current Year Appropriations:** Included in the above Restricted Funds appropriation is $18,289,400 in fiscal year 2003-2004 to be expended for general operating expenses and purposes specific to grants and contracts. Included in the above Federal Funds appropriation is $22,392,400 in fiscal year 2003-2004 to be expended for specific federal grants and contracts purposes.

(2) **Debt Service:** Included in the above General Fund appropriation is $11,142,500 in fiscal year 2004-2005 and $11,182,900 in fiscal year 2005-2006 for debt service for previously issued bonds.

(3) **Quality and Charity Care Trust Agreement:** Also included in the above General Fund appropriation is $17,693,200 in fiscal year 2004-2005 and $18,070,100 in fiscal year 2005-2006 to fulfill the Commonwealth's contractual obligation relating to indigent care furnished via the Quality and Charity Care Trust Agreement.Notwithstanding KRS 45.229, the General Fund appropriation related to the Quality and Charity Trust Agreement in fiscal years 2003-2004 and 2004-2005 shall not lapse.

11. WESTERN KENTUCKY UNIVERSITY

	2003-04	**2004-05**	**2005-06**
General Fund	-0-	68,878,400	70,348,900
Restricted Funds	19,323,900	126,586,000	138,009,000
Federal Funds	-0-	35,600,000	39,071,000
TOTAL	19,323,900	231,064,400	247,428,900

(1) **Current Year Appropriation:** Included in the above Restricted Funds appropriation is $19,323,900 in fiscal year 2003-2004 to be expended for general operating expenses and purposes specific to grants and contracts.

(2) **Debt Service:** Included in the above General Fund appropriation is $3,181,400 in fiscal year 2004-2005 and $3,202,200 in fiscal year 2005-2006 for debt service for previously issued bonds.

(3) **University Farm:** Included in the above General Fund appropriation is $200,000 each fiscal year for maintenance and operation support of the university farm and which shall be expended for no other purpose.

TOTAL - POSTSECONDARY EDUCATION

	2003-04	2004-05	2005-06
General Fund (Tobacco)	-0-	6,331,300	6,321,300
General Fund	4,000,000	1,146,419,700	1,209,776,800
Restricted Funds	60,066,500	2,066,788,400	2,194,180,400
Federal Funds	58,242,700	541,825,800	575,623,100
TOTAL	122,309,200	3,761,365,200	3,985,901,600

K. TRANSPORTATION CABINET

Budget Units

1. GENERAL ADMINISTRATION AND SUPPORT

	2004-05	2005-06
Restricted Funds	19,307,200	23,542,000
Road Fund	66,655,900	67,240,200
TOTAL	85,963,100	90,782,200

(1) **Biennial Highway Construction Programs:** The Secretary of Transportation is directed to produce a single document that contains two separately identified sections, as follows:

Section 1 shall detail the enacted fiscal biennium 2004-2006 Biennial Highway Construction Program and Section 2 shall detail the Highway Preconstruction Program Plan for fiscal year 2006-2007 through fiscal year 2009-2010 as identified by the 2004 General Assembly. This document shall mirror in data type and format the fiscal year 2002-2008 Recommended Six Year Highway Plan as submitted to the 2002 General Assembly. The document shall be published and distributed to members of the General Assembly and the public within 60 days of adjournment of the 2004 Regular Session of the General Assembly.

No executive authority shall expend, or otherwise commit in any manner, available fiscal biennium 2004-2006 Road Fund resources for a project designated as a State Project in the fiscal year 2006-2007 through fiscal year 2009-2010 Highway Preconstruction Program Plan. In the event that federally funded projects contained in the enacted fiscal biennium 2004-2006 Biennial Highway Construction Program are delayed due to unforeseen circumstances, or if additional federal funds are received in excess of the amounts contemplated in this Act, the Transportation Cabinet may advance projects from the Highway Preconstruction Program Plan only to the extent required to assure that the Commonwealth makes full use of all available federal funds.

The Secretary of Transportation is further directed to report monthly to the Legislative Research Commission of all activity, as prescribed by KRS 176.430, relating to all projects with open activity conducted by the Transportation Cabinet during the biennium including the year each project phase was enacted in a Six Year Highway Plan. Pursuant to KRS 48.800(5), the Transportation Cabinet shall submit the electronic monthly report in a format prescribed by the Legislative Research Commission.

Notwithstanding KRS 176.440(2), any project additions or modifications that the 2004 General Assembly may make to the fiscal year 2005-2010 Recommended Six Year Road Plan shall carry the same force of law as projects that were included in the fiscal year 2005-2010 Recommended Six Year Road Plan as submitted by the Executive Branch.

(2) **Debt Service:** Included in the above Road Fund appropriation is $7,317,300 in fiscal year 2004-2005 and $7,328,100 in fiscal year 2005-2006 for debt service on previously authorized bonds for the new Transportation Cabinet office building and parking structure.

(3) **Adopt-A-Highway Litter Program:** The Transportation Cabinet and Environmental and Public Protection Cabinet may receive, accept, and solicit grants, contributions of money, property, labor, or other things of value from any governmental agency, individual, nonprofit organization, or private business to be used for the Adopt-a-Highway Litter Program or other statewide litter programs. Any contribution of this nature shall be deemed to be a contribution to a state agency for a public purpose and shall be treated as Restricted Funds under KRS Chapter 45 and reported according to KRS Chapter 48, and shall not be subject to restrictions set forth under KRS Chapter 11A.

(4) **Transportation Cabinet Office Building:** The new Transportation Cabinet Office Building shall be owned by the Transportation Cabinet and any revenue generated from the leasing of office space in the new Transportation Cabinet Office Building shall be deposited in the Road Fund.

(5) **Child Sexual Abuse License Plate Revenue:** Notwithstanding KRS 186.1867, the Transportation Cabinet shall review the costs related to the distribution of child victims' license plates. Any revenue received from the sale or renewal of those plates in excess of actual costs shall be transferred to the Child Victims' Trust Fund on an annual basis.

2. AIR TRANSPORTATION

	2004-05	2005-06
Restricted Funds	5,500,000	5,500,000

Federal Funds	15,000	9,700
TOTAL	5,515,000	5,509,700

(1) **Operational Costs:** Notwithstanding KRS 183.525(5), the Restricted Funds appropriation above includes operational costs of the program.

(2) **Certified Air Carriers and Cap on Sales and Use Tax:** The sales and use tax credit shall be an amount equal to the Kentucky sales and use tax otherwise applicable to aircraft fuel, including jet fuel, purchased by the certificated air carrier for its storage, use, or other consumption during the annual period, less $1,000,000. The $1,000,000 amount shall be increased to reflect the Kentucky sales and use tax on aviation fuel attributable to operations of any other certificated air carrier when the other certificated air carrier is purchased, merged, acquired, or otherwise combined with the certificated air carrier after the base period. The amount of the increase shall be based on the Kentucky sales and use tax applicable to such aircraft fuel purchased during the 12-month period immediately preceding the purchase, merger, or other acquisition by or combination with the certificated air carrier.

(3) **Bluegrass Field Airport:** No appropriations to the Air Transportation budget unit shall be utilized for the purpose of studying, planning, or construction of an additional runway at Bluegrass Field Airport.

3. DEBT SERVICE

	2004-05	2005-06
Road Fund	125,647,500	144,238,000

(1) **Toll Road Lease-Rental Payments:** Included in the above Road Fund appropriation is $7,928,800 in fiscal year 2004-2005 and $7,815,500 in fiscal year 2005-2006 for toll road lease-rental payments.

(2) **Resource Recovery Road Lease-Rental Payments:** Included in the above Road Fund appropriation is $38,831,600 in fiscal year 2004-2005 and $38,828,600 in fiscal year 2005-2006 for Resource Recovery Road lease-rental payments. The Secretary of the Transportation Cabinet shall use Road Fund resources to meet the lease-rental payments to the Kentucky Turnpike Authority for Resource Recovery Road projects in the amount certified by the Transportation Cabinet, pursuant to KRS 143.090. However, if Road Fund resources are not sufficient to meet lease-rental payments, the additional amount required to meet the obligation shall be transferred from the proceeds of the tax levied on the severance or processing of coal by KRS 143.020.

(3) **Economic Development Road Lease-Rental Payments:** Included in the above Road Fund appropriation is $69,353,100 in fiscal year 2004-2005 and $78,525,900 in fiscal year 2005-2006 for Economic Development Road lease-rental payments relating to projects financed by Economic Development Road Revenue Bonds previously issued by the Kentucky Turnpike Authority.

(4) **Economic Development Bond Funds:** Included in the above Road Fund appropriation is $9,534,000 in fiscal year 2004-2005 and $19,068,000 in fiscal year 2005-2006 for Economic Development Road lease-rental payments to the Turnpike Authority of Kentucky relating to projects financed by $200,000,000 in Economic Development Road Revenue Bonds hereby authorized by the General Assembly to be issued in the 2004-2006 fiscal biennium for payment of the cost of the Economic Development Road Projects.

(5) **Excess Lease-Rental Payments:** Any moneys not required to meet lease-rental payments or to meet the administrative costs of the Kentucky Turnpike Authority shall be transferred to the State Construction account.

(6) **Debt Payment Acceleration Fund Account:** Notwithstanding KRS 175.505, no portion of the revenues to the state Road Fund provided by the adjustments in KRS 138.220(2), excluding KRS 177.320 and 177.365, shall accrue to the Debt Payment Acceleration Fund account during the 2004-2006 fiscal biennium.

4. HIGHWAYS

	2004-05	2005-06
Restricted Funds	86,858,800	157,222,100
Federal Funds	662,974,700	678,579,900
Road Fund	625,302,700	631,557,300
Bond Funds	200,000,000	-0-
TOTAL	1,575,136,200	1,467,359,300

(1) **Debt Service:** Included in the above Federal Funds appropriation is $15,842,500 in fiscal year 2004-2005 and $15,838,300 in fiscal year 2005-2006 for debt service on Grant Anticipation Revenue Vehicle (GARVEE) bonds.

(2) **State Supported Construction Programs:** Included in the above Road Fund appropriation is $348,319,600 in fiscal year 2004-2005 and $346,980,300 in fiscal year 2005-2006 for the State Supported Construction Program.

(3) **State Resurfacing Program:** Included in the State Supported Construction Program is $67,320,000 in fiscal year 2004-2005 and $67,320,000 in fiscal year 2005-2006 from the Road Fund for the State Resurfacing Program.

(4) **Specialized Contracts Account:** Included in the State Supported Construction Program is $100,000 in fiscal year 2004-2005 and $100,000 in fiscal year 2005-2006 from the Road Fund for the Specialized Contracts Account.

(5) **Biennial Highway Construction Program:** Included in the State Supported Construction Program is $266,399,600 in fiscal year 2004-2005 and $265,060,300 in fiscal year 2005-2006 from the Road Fund for state construction projects in the fiscal biennium 2004-2006 Biennial Highway Construction Program. Included within the above Road Fund appropriation is $2,500,000 in fiscal year 2004-2005 and $2,500,000 in fiscal year 2005-2006 to support the Kentucky Pride Fund created in KRS 224.43-505.

(6) **Highway Construction Contingency Account:** Included in the State Supported Construction Program is $14,500,000 in fiscal year 2004-2005 and $14,500,000 in fiscal year 2005-2006 for the Highway Construction Contingency Account. Included within the above Road Fund appropriation is $2,500,000 in fiscal year 2004-2005 and $2,500,000 in fiscal year 2005-2006 to support the Kentucky Pride Fund created in KRS 224.43-505. Included in the above Road Fund appropriation is $2,000,000 in each fiscal year to be deposited to the Industrial Road Access Account within the Transportation Cabinet.

(7) **2004-2006 Biennial Highway Construction Plan:** Projects in the enacted 2002-2004 Biennial Highway Construction Plan are authorized to continue their current authorization into the 2004-2006 fiscal biennium.

(8) **Kentucky Transportation Center:** Notwithstanding KRS 177.320(4), included in the above Road Fund appropriation is $290,000 in fiscal year 2004-2005 and $290,000 in fiscal year 2005-2006 for the Kentucky Transportation Center.

(9) **New Highway Equipment Purchases:** Notwithstanding KRS 48.710, Restricted Funds are appropriated in the amount of $1,500,000 in fiscal year 2004-2005 and $1,500,000 in fiscal year 2005-2006 from the sale of surplus equipment to purchase new highway equipment.

(10) **State Match Provisions:** The Transportation Cabinet is authorized to utilize state construction moneys or toll credits to match federal highway moneys in the event that unanticipated additional Federal Funds are provided to Kentucky and the state match appropriations have been exhausted.

(11) **Excess Debt Service/Lease-Rental Appropriations:** Any Road Fund appropriations that are not needed to pay lease-rental payments to the Kentucky Turnpike Authority or debt service on the new Transportation Cabinet Office Building shall be credited to the State Construction Account.

(12) **Federal Aid Highway Funds:** If additional federal highway moneys are made available to Kentucky by the United States Congress, the funds shall be used according to the following priority: (a) Any demonstration-specific or project-specific money shall be used on the project identified; and (b) All other funds shall be used to ensure that projects in the fiscal biennium 2004-2006 Biennial Highway Construction Plan are funded. If additional federal moneys remain after these priorities are met, the Transportation Cabinet may select projects from the Four Year Preconstruction Program.

(13) **Demonstration Projects:** The Transportation Cabinet is authorized to select up to five design/build demonstration road related projects. For procurement purposes, the Transportation Cabinet shall utilize a qualifications-based bidding process within the context of the provisions of KRS Chapter 176, notwithstanding any conflicting provisions of KRS Chapters 45A, 176, and 177. The Secretary of the Transportation Cabinet shall determine the nature and scope of each design/build project.

(14) **Road Fund Cash Management:** The Secretary of the Transportation Cabinet is authorized to continue the cash management to address the policy of the General Assembly to expeditiously initiate and complete projects in the fiscal biennium 2004-2006 Biennial Highway Construction Plan. Notwithstanding KRS Chapter 45, specifically including KRS 45.242 and 45.244, the Secretary may concurrently advance projects in the Biennial Highway Construction Plan by employing management techniques that maximize the Cabinet's ability to contract for and effectively administer the project work. Under the approved Cash Management Plan, the Secretary is directed to continuously ensure that the unspent project and Road Fund balances available to the Transportation Cabinet are sufficient to meet expenditures consistent with appropriations provided.

(15) **Biennial Highway Construction Program:** In the event that federally funded projects contained in the enacted fiscal biennium 2004-2006 Biennial Highway Construction Program are delayed due to unforeseen circumstances, or if additional Federal Funds are received in excess of the amounts contemplated in this Act, the Transportation Cabinet may advance projects from the Highway Preconstruction Program Plan only to the extent required to ensure that the Commonwealth makes full use of all available Federal Funds.

(16) **Grant Anticipation Revenue Vehicle (GARVEE) Bonds:** Included in the above Restricted Funds appropriation is $23,000,000 in fiscal year 2004-2005 and $93,000,000 in fiscal year 2005-2006 for GARVEE Bond Funds. If project requirements or market conditions warrant issuance of the entire $116,000,000 GARVEE bond issue prior to fiscal year 2005-2006, that authority is approved, subject to the Federal Funds debt service appropriations contained in this section.

(17) **Miscellaneous Road Fund Projects:**

Access Points: The Transportation Cabinet shall grant the Woodford County Fire Department an Encroachment Permit for emergency vehicles to enter and exit directly onto US 421 from the Midway Fire Station.

The Transportation Cabinet shall extend access by permit about 1,500 feet north of KY 911 along the proposed US 41A project in Christian County.

Surplus Property: The Big Creek Toll Facility located on the Hal Rogers Parkway, formerly known as the Daniel Boone Parkway, is hereby declared surplus and the Cabinet is directed to transfer the property to the Clay County Fiscal Court as of the effective date of this Act, for the use and benefit of the Big Creek Fire Department and Rescue Squad.

Land Parcel 66, located at the junction of KY 229 and the Cumberland Gap Parkway, is hereby declared surplus and the Cabinet is directed to transfer the property to the Knox County Fiscal Court as of the effective date of this Act, for the use and benefit of the Bailey Switch Volunteer Fire Department.

Paving and Rehabilitation: The Kentucky Transportation Cabinet is directed to provide grading and paving rehabilitation efforts on I-64 from Grayson to the West Virginia border at the level equal to that accomplished on I-64 in Bath County, Rowan County, and the remainder of Carter County.

(18) Toll Road Facilities: If Federal Funds become available to the state to support retirement of toll roads debt, then each affected toll road facility within the Commonwealth shall close and all affected toll road employees shall be reassigned within the Transportation Cabinet.

(19) Location of Proposed I-66: The location of proposed I-66 in the South Central Kentucky area shall be limited to alternative highway corridors extending from the Louie B. Nunn Parkway, formerly known as the Cumberland Parkway, to the Natcher Parkway north of the City of Bowling Green.

The proposed I-66 corridor through the Purchase Area shall include the corridor through Ballard County, exiting the state of Kentucky at Wickliffe, Kentucky.

5. JUDGMENTS

(1) Payment of Judgments: Road Fund resources required to pay judgments shall be transferred from the State Construction Account at the time when actual payments must be disbursed from the State Treasury.

(2) Carry Forward of Funds: Notwithstanding KRS 45.229, any funds not expended by June 30, 2004, shall not lapse and shall carry forward through June 30, 2005, shall not lapse and shall carry forward through June 30, 2006.

6. PUBLIC TRANSPORTATION

	2004-05	**2005-06**
General Fund	4,753,400	4,753,400
Restricted Funds	500,000	508,900
Federal Funds	27,227,600	27,230,900
TOTAL	32,481,000	32,493,200

(1) Human Services Transportation Delivery Program: Consistent with other provisions of this Act, the Human Services Transportation Delivery Program shall continue to be operated under KRS 281.870, 281.872, 281.873, 281.874, 281.875, 281.876, 281.877, 281.878, and 281.879.

(2) Nonpublic School Transportation: Included in the above General Fund Appropriation in $2,500,000 in fiscal year 2004-2005 and $2,500,000 in fiscal year 2005-2006 for nonpublic school transportation.

(3) Toll Credits: The Transportation Cabinet is authorized to use Toll Credits to match federal funds for transit systems capital grants.

7. REVENUE SHARING

	2004-05	**2005-06**
Road Fund	228,298,300	231,976,100

(1) County Road Aid Program Center: Included in the above Road Fund appropriation is $86,421,800 in fiscal year 2004-2005 and $87,821,800 in fiscal year 2005-2006 for the County Road Aid Program in accordance with KRS 177.320, 179.410, 179.415, and 179.440. Notwithstanding KRS 177.320(2), the above amounts have been reduced by $38,000 in fiscal year 2004-2005 and $38,000 in fiscal year 2005-2006 which has been appropriated to the Highways appropriation unit for the support of the Kentucky Transportation Center.

(2) Rural Secondary Program: Included in the above Road Fund appropriation is $104,839,700 in fiscal year 2004-2005 and $106,538,000 in fiscal year 2005-2006 for the Rural Secondary Program in accordance with KRS 177.320, 177.330, 177.340, 177.350, and 177.360. Notwithstanding KRS 177.320(1), the above amounts have been reduced by $46,000 in fiscal year 2004-2005 and $46,000 in fiscal year 2005-2006 which has been appropriated to the Department of Highways appropriation unit for the support of the Kentucky Transportation Center.

(3) Municipal Road Aid Program: Included in the above Road Fund appropriation is $36,363,300 in fiscal year 2004-2005 and $36,952,300 in fiscal year 2005-2006 for the Municipal Road Aid Program in accordance with KRS 177.365, 177.366, and 177.369. Notwithstanding KRS 177.365(1), the above amounts have been reduced by $16,000 in fiscal year 2004-2005 and $16,000 in fiscal year 2005-2006 which has been appropriated to the Department of Highways appropriation unit for the support of the Kentucky Transportation Center.

(4) Energy Recovery Road Fund: Included in the above Road Fund appropriation is $673,500 in fiscal year 2004-2005 and $664,000 in fiscal year 2005-2006 for the Energy Recovery Road Fund in accordance with KRS 177.977, 177.9771, 177.9772, 177.978, 177.979, and 177.981.

8. VEHICLE REGULATION

	2004-05	**2005-06**

Restricted Funds	3,868,000	4,040,400
Federal Funds	842,700	894,700
Road Fund	16,084,000	16,148,000
TOTAL	20,794,700	21,083,100

(1) Motorcycle Education Program: Notwithstanding KRS 186.890(1) and (2), all revenues from the collection of fees relating to the Motorcycle Safety Education Program Fund shall be utilized to provide motorcycle safety programs. No administrative costs for other programs or budget units within the Transportation Cabinet shall be deducted from the Motorcycle Safety Education Program. The Transportation Cabinet shall report biennially to the Interim Joint Committee on Appropriations and Revenue of the revenues deposited to the Fund, the expenditures incurred, and available balances. In addition, the Cabinet shall identify the safety programs provided, the cost of the programs, location, and number of attendees.

TOTAL - TRANSPORTATION CABINET

	2004-05	2005-06
General Fund	4,753,400	4,753,400
Restricted Funds	116,034,000	190,813,400
Federal Funds	691,060,000	706,715,200
Road Fund	1,061,988,400	1,091,159,600
Bond Funds	200,000,000	-0-
TOTAL	2,073,835,800	1,993,441,600

PART II

CAPITAL PROJECTS BUDGET

(1) Capital Construction Fund Appropriations and Reauthorizations: Moneys in the Capital Construction Fund are appropriated for the following capital projects subject to the conditions and procedures in this Act. Items listed without appropriated amounts are previously authorized for which no additional amount is required. These items are listed in order to continue their current authorization into the 2004-2006 fiscal biennium. Unless otherwise specified, reauthorized projects shall conform to the original authorization enacted by the General Assembly.

(2) Expiration of Existing Line-Item Capital Construction Projects: All appropriations to existing line-item capital construction projects expire on June 30, 2004, unless reauthorized in this Act with the following exceptions: (a) A construction contract for the project shall have been awarded by June 30, 2004; (b) Permanent financing or a short-term line of credit sufficient to cover the total authorized project scope shall have been obtained in the case of projects authorized for bonds; (c) Grant or loan agreements, if applicable, shall have been finalized and properly signed by all necessary parties; and (d) Any capital construction project authorized pursuant to actions approved by the 2003 General Assembly in House Bill 269 (2003 Ky. Acts ch. 156, Part II, R. Coal Severance Tax Projects), unless otherwise provided for in this Act is deemed to be reauthorized up to the total amount of receipts allocated to the single county account at the end of fiscal year 2003-2004. Notwithstanding the criteria set forth in this section, the disposition of 2002-2004 biennium nonstatutory appropriated maintenance pools funded from Capital Construction Investment Income shall remain subject to the provisions of KRS 45.770(4)(c) and (d).

(3) New Bond Projects: Bond projects authorized for the first time in this Part which have debt service supported by state General Fund appropriations are authorized in the first year of the biennium. Debt service has been included at the beginning of fiscal year 2005-2006. Except for specific projects itemized in this section, the sale of bonds to finance projects shall occur after January 1,2005.

The sale of bonds for the Warren County Technology Center shall occur after the effective date of this Act.

The sale of bonds for the Department of Personnel - Replace Commonwealth's Personnel Payroll System shall occur after January 1, 2006.

The sale of bonds for the following projects shall occur after July 1, 2005:

a. State Fair Board – East Wing/Hall Renovation Project;
b. Finance - GOT UCJIS Criminal History;
c. Finance - GOT UCJIS - Court Improvements (E-Warrants);
d. Finance - GOT Public Service Safety Communications Infrastructure - KEWS;
e. Finance - Renovate KY State Office Building;
f. Finance - Revenue - Business Refund Off-Set System;
g. Finance - Revenue - Develop Streamlined Sales Tax Simplification System;
h. Health & Family Services – CFC Child Support Enforcement (KASES II);
i. KSP - Construct Kentucky Public Safety Training Center;
j. EKU – Construct Business/Technology Center Ph. II;

k. KCTCS - Construct Owensboro Advanced Technology Center;
l. KCTCS - Ashland Community Technology Center;
m. KCTCS - Construct Franklin/Simpson Technology Center;
n. KCTCS - Renovate Aircraft Maintenance Lab, Somerset CC, South Campus;
o. KCTCS - CTC-Expand Edgewood Campus;
p. KCTCS – Henderson CC Tri-County Technology Center;
q. KCTCS - Construct Technology Building, Madisonville CC;
r. KSU - Renovate Young Hall;
s. KSU - Renovate Hathaway Hall Renovation-Phase II;
t. MoSU - Construct MSU-NASA Space Science Center;
u. MuSU - Construct New Science Complex-Phase II;
v. NKU - Regional Special Events Center;
w. UK - Construct Biological/Pharmaceutical Complex;
x. UL - Construct HCS Research Facility;
y. WKU - Renovate Science Campus, Phase II;
z. WKU - Math and Science Academy Renovation;
aa. UK - Construct Lexington Community College Classroom/Class Lab Building; and
ab. EKU - Construct Manchester Postsecondary Ed. Center

(4) **Lapse of General Fund Debt Service Appropriations for Canceled Projects:** If any authorized capital construction or major equipment projects are canceled, any General Fund appropriated debt service for those same projects shall lapse to the credit of the General Fund.

(5) **Bond Proceeds Investment Income:** Investment income earned from bond proceeds beyond that which is required to satisfy Internal Revenue Service arbitrage rebates and penalties and excess bond proceeds upon the completion of a bond-financed capital project may be used to pay debt service according to the Internal Revenue Service Code and accompanying regulations. Notwithstanding KRS 48.010(13)(b), 48.720, or any section of this Act, any funds appropriated but not required to pay debt service because of this fund source substitution shall be credited to the Statewide Deferred Maintenance Fund account each year. Unneeded debt service resulting from any other circumstance shall lapse in accordance with KRS 48.010(13)(b), 48.720, and other provisions of this Act except for the following: if the fund balance in the Emergency Repair, Maintenance, and Replacement Fund falls below $5,000,000 in fiscal year 2004-2005, any debt service lapse necessary to bring the fund balance to $5,000,000 in that fiscal year shall be credited to the Emergency Repair, Maintenance, and Replacement Fund. No transfer to the Emergency Repair, Maintenance, and Replacement Fund, or the Statewide Deferred Maintenance Fund account, shall be made based on the above provisions if the lapse from other General Fund accounts is insufficient to meet appropriations approved in other Parts of this Act.

(6) **Appropriations for Projects Not Line-Itemized:** Inasmuch as the identification of specific projects in a variety of areas of the state government cannot be ascertained with absolute certainty at this time, amounts are appropriated for specific purposes to projects which are not individually identified in this Act in the following areas: Kentucky Infrastructure Authority Water and Sewer Projects Pool; Repair of State-Owned Dams; Land Acquisition; Property Demolition; Guaranteed Energy Savings projects; Purchase of Agricultural Conservation Easements; Wetland and Stream Mitigation; Phase I Tobacco Settlement Agricultural Development Initiative; Economic Development projects which shall include authorization for the High-Tech Construction Pool and the High-Tech Investment Pool; Infrastructure projects; Employment Services facilities projects authorized in this Part of this Act; Asbestos Abatement projects; Technology Trust Fund projects, systems, and initiatives; the Parks Renovation Project Pool; the Council on Postsecondary Education Agency Bond Pool; the Capital Renewal and Maintenance Bond Pool; and University Major Items of Equipment Pool. Any projects estimated to cost over $400,000 and equipment estimated to cost over $100,000 shall be reported to the Capital Projects and Bond Oversight Committee. All moneys transferred to the Finance and Administration Cabinet for capital construction from any appropriations, including income from investments, shall be expended, accounted for, and otherwise treated in the same manner as funds appropriated directly to the Finance and Administration Cabinet for capital construction.

(7) **Postsecondary Construction Project:** Notwithstanding KRS 164A.585(4), a capital construction project, the total cost of completion of which will not exceed $200,000, may be performed by the employees of the institution of postsecondary education or by individuals hired specifically for the project.

A. GENERAL GOVERNMENT

Budget Units	**2004-05**	**2005-06**
1. OFFICE OF THE GOVERNOR		
COMMISSION ON MILITARY AFFAIRS		
001. Base Realignment and Closure (BRAC)		

	General Fund	800,000	100,000

2. DEPARTMENT OF VETERANS' AFFAIRS

001.	New State Veterans Cemetery - Central Kentucky Reauthorization		
002.	New Veterans Cemetery - Northern Kentucky Reauthorization		
003.	Maintenance Pool		
	Investment Income	100,000	100,000

3. KENTUCKY INFRASTRUCTURE AUTHORITY

001.	KIA Fund A - Federally Assisted Wastewater Program		
	Federal Funds	42,000,000	-0-
	Bond Funds	8,400,000	-0-
	TOTAL	50,400,000	-0-
002.	KIA Fund F Drinking Water Revolving Loan Program		
	Federal Funds	38,000,000	-0-
	Bond Funds	7,600,000	-0-
	TOTAL	45,600,000	-0-
003.	KIA - Water and Sewer Resources Development Fund		
	Bond Funds	50,000,000	-0-
004.	KIA - Water and Sewer Resources Development Fund for Tobacco Counties		
	Bond Funds	82,000,000	-0-
005.	Carter County Fiscal Court - Olive Hill Sewer Project Reauthorization and Reallocation ($600,000 Bond Funds)		

The above project is authorized from a reallocation from the Carter County Fiscal Court - Olive Hill Water Improvements and Line Extension project (2003 Ky. Acts, ch. 156, page 1895).

006. Winchester Municipal Utilities - Skylark/Chickadee/Redwing Sanitary Sewer Improvements
Reauthorization and Reallocation ($500,000 Bond Funds)

The above project is authorized from a reallocation from the Winchester Municipal Utilities - KY 15 Elevated Press project (2003 Ky. Acts, Ch. 156, page 1903).

(1) **Funds Appropriations:** The Bond Funds appropriated in items 001. and 002. above are the required state match for the federal program. The Federal Funds associated with the program are appropriated in the Operating Budget to comply with the Federal Cash Management Act.

(2) **Allocation Policy:** The Bond Funds appropriated in item 003. above are intended to be allocated according to need as determined by the Kentucky Infrastructure Authority (KIA) and in support of local economic development consistent with KIA's approved water and sewer plans.

(3) **Expenditure of Loan Repayments Cash Balances:** The Kentucky Infrastructure Authority is authorized to expend the cash balances from loan repayments on deposit at the trustee bank for financial assistance, in the form of low-interest loans, to governmental agencies for professional planning and preliminary engineering design work required for eligible Fund A wastewater projects.

4. GOVERNOR'S OFFICE OF AGRICULTURAL POLICY

001.	Replace Tobacco Funds		
	Bond Funds	17,000,000	-0-

5. TREASURY

001.	Checksealer Equipment - Lease - Additional		
	Capital Construction Surplus	63,000	63,000

6. AGRICULTURE

001. Franklin County - Lease

7. KENTUCKY RETIREMENT SYSTEMS

001. Franklin County - Lease

8.	**ATTORNEY GENERAL**		
	001. Franklin County - Lease		
9.	**UNIFIED PROSECUTORIAL SYSTEM - COMMONWEALTH'S ATTORNEYS**		
	001. Jefferson County - Lease		
10.	**DEPARTMENT OF PERSONNEL**		
	001. Replace Commonwealth's Personnel Payroll System		
	Bond Funds	25,000,000	-0-
	002. On-line Health Insurance Application		
	Restricted Funds	500,000	750,000
	003. Franklin County - Lease		
11.	**MILITARY AFFAIRS**		
	001. Upgrade Statewide Radio System		
	Bond Funds	1,400,000	-0-
	002. Expand State Emergency Operations Center		
	Federal Funds	6,825,000	-0-
	Bond Funds	2,275,000	-0-
	TOTAL	9,100,000	-0-
	003. Extend Runway and Taxiway Capital City Airport		
	Federal Funds	1,901,000	-0-
	Capital Construction Surplus	192,000	-0-
	TOTAL	2,093,000	-0-
	004. Construct CCA Perimeter Security Fencing		
	Federal Funds	402,000	-0-
	Capital Construction Surplus	45,000	-0-
	TOTAL	447,000	-0-
	005. Construct Aircraft Modification Building at Bluegrass Station		
	Restricted Funds	500,000	-0-
	Federal Funds	1,500,000	-0-
	TOTAL	2,000,000	-0-
	006. Runway Parallel Taxiway Pavement Overlay		
	Federal Funds	1,780,000	-0-
	007. Maintenance Pool -Bluegrass Station		
	Restricted Funds	2,500,000	2,500,000
	008. Maintenance Pool - Air Transportation		
	Investment Income	450,000	450,000
	009. Hangar/Warehouse/Office Buildings - Bluegrass Station		
	Agency Bonds	10,000,000	-0-
12.	**KENTUCKY RIVER AUTHORITY**		
	001. KY River Dam Maintenance Pool		
	Restricted Funds	500,000	500,000
	002. KRWSE - Dam 10 Real Estate, Dam 9 Final Design		
	Restricted Funds	727,000	-0-
	Agency Bonds	1,773,000	-0-
	TOTAL	2,500,000	-0-
13.	**LOCAL GOVERNMENT**		
	001. Flood Control Matching Fund - Additional		
	Restricted Funds	1,500,000	1,500,000
14.	**BOARD OF NURSING**		

001. Jefferson County – Lease

B. COMMERCE CABINET

Budget Units	2004-05	2005-06
1. PARKS		
001. Parks Renovation Pool		
Bond Funds	35,000,000	-0-

(1) Kincaid Lake State Park: In the event Kincaid Lake State Park receives funds from the Parks Renovation Pool, then the Park is authorized to expend any savings or remaining balance for the purpose of acquiring land to complete the golf course at Kincaid Lake State Park.

Budget Units	2004-05	2005-06
2. KENTUCKY HORSE PARK COMMISSION		
001. Construct Permanent Seating Stadium Jumping Area		
Other Funds	-0-	1,000,000
002. Maintenance Pool		
Investment Income	575,000	575,000
003. Lease-Purchase Equipment (5 year-term)		
General Fund	200,000	200,000
3. STATE FAIR BOARD		
001. Repave Parking Lots E, J and Ashton/Adair		
Restricted Funds	1,281,000	49,000
002. Replace Paving from Gate 1 to Gate 2		
Restricted Funds	900,000	-0-
003. Renovate Existing Restrooms		
Restricted Funds	44,000	788,000
004. Renovate KICC Pedway System		
Restricted Funds	50,000	950,000
005. Maintenance Pool		
Restricted Funds	1,000,000	1,000,000
006. East Wing/Hall Renovation Project	50,000,000	-0-
Bond Funds		
4. FISH AND WILDLIFE RESOURCES		
001. Automated License Sales System Upgrade		
Restricted Funds	650,000	-0-
002. Fees-in-Lieu-of Stream Mitigation Projects Pool		
Restricted Funds	5,000,000	5,000,000
003. Maintenance Pool		
Restricted Funds	400,000	400,000
004. Land Acquisition Pool		
Restricted Funds	700,000	700,000
005. Edmonson County Environmental Study		
Reauthorization and Reallocation		
5. KENTUCKY HISTORICAL SOCIETY		
001. KY History Center - Purchase Casework		
Capital Construction Surplus	250,000	-0-
6. KENTUCKY CENTER FOR THE ARTS		
001. Maintenance Pool		
Investment Income	252,000	160,000

C. ECONOMIC DEVELOPMENT CABINET

(1) Economic Development Bond Issues: Before any economic development bonds are issued, the proposed bond issue shall be approved by the Secretary of the Finance and Administration Cabinet and the State Property and Buildings

Commission under KRS 56.440 to 56.590. In addition to the terms and conditions of KRS 154.12-100, administration of the Economic Development Bond Program by the Secretary of the Cabinet for Economic Development is subject to the following guideline: project selection shall be documented when presented to the Secretary of the Finance and Administration Cabinet. Included in the documentation shall be the rationale for selection and expected economic development impact.

(2) **Permissible Use of Available KEDFA Funds:** Moneys available to the Kentucky Economic Development Finance Authority (KEDFA) under KRS 154.20-010 to 154.20-180 shall be used exclusively for the purposes of those statutes or as expressly provided for in this Act. Nothing in this Act shall prohibit the transfer of funds from KEDFA to the New Economy Program as set out in this Act.

(3) **Seeding Innovation Project:** The Kentucky Economic Development Finance Authority Board is encouraged to work with the Office for the New Economy to provide up to $500,000 each year of the 2004-2006 fiscal biennium to fund the Seeding Innovation Project for Kentucky's elementary and secondary schools.

Budget Units	**2004-05**	**2005-06**
1. OFFICE OF THE SECRETARY		
001. New Economy High-Tech Investment/Construction Pool		
Restricted Funds	11,575,000	11,485,000

(1) **Apportionment of Funds:** The Commissioner of the Office for the New Economy shall determine the amounts to be apportioned between the High-Tech Investment Pool and the High-Tech Construction Pool.

(2) **Emerging Technology Center Building:** Included in the above appropriation is $500,000 in Restricted Funds in fiscal year 2005-2006 to be used for the purpose of completing the Emerging Technology Center Building at Murray State University.

2. FINANCIAL INCENTIVES		
001. Economic Development Bond Pool		
Reauthorization ($5,000,000 Bond Funds)		
Bond Funds - Additional	10,000,000	-0-
002. Purchase Regional Industrial Park		
Restricted Funds	2,250,000	-0-
003. Airport Relocation Assistance		
Bond Funds	5,000,000	-0-

D. DEPARTMENT OF EDUCATION

Budget Unit	**2004-05**	**2005-06**
1. EDUCATION		
001. Save Energy Performance Contract Project		
002. Replace New Lee Hall HVAC and Renovate KSD		
Bond Funds	3,490,000	-0-
003. Maintenance Pool		
Investment Income	675,000	675,000

E. EDUCATION CABINET

Budget Units	**2003-04**	**2004-05**	**2005-06**
1. KENTUCKY EDUCATIONAL TELEVISION			
001. Maintenance Pool			
Investment Income	-0-	100,000	100,000
2. SCHOOL FACILITIES CONSTRUCTION COMMISSION			
001. School Facilities Construction Commission			
Reauthorization ($121,724,700 Bond Funds)			
002. Urgent Need School Trust Fund			
Reauthorization ($55,284,000 Bond Funds)			
003. Category 5 School Buildings			
Reauthorization ($54,730,900 Bond Funds)			
004. Offers of Assistance			
Bond Funds		67,735,000	-0-
005. Local School District 491			

Bond Funds		8,000,000	-0-
006. Local School District 535			
Bond Funds		3,800,000	-0-
3. GENERAL ADMINISTRATION AND PROGRAM SUPPORT			
001. Guaranteed Energy Savings Project			
002. Maintenance Pool			
Investment Income	-0-	395,000	460,000
4. EMPLOYMENT SERVICES			
001. BARTS II			
Federal Funds	563,000	-0-	-0-

(1) **Current Year Appropriation:** Included in the above Federal Funds appropriation is $563,000 in fiscal year 2003-2004 to continue the Benefit Audit Reporting and Tracking System (BARTS) II project.

(2) **Facility Replacement and Renovation Program:** The General Assembly authorizes the Department for Employment Services to develop and implement a facility replacement and renovation program to improve the quality of Cabinet for Workforce Development facilities used by the Department and its clients, and to reduce departmental reliance on lease/rental properties. The Department is directed to coordinate this program with the Secretary of the Finance and Administration Cabinet. Proceeds acquired from the sale, transfer, or other disposition of existing facilities may be expended toward the purchase, construction, renovation, and equipping and furnishing of replacement facilities. Expenditures authorized by this provision are limited to the use of funds solely derived from the sale of Cabinet-owned facilities, which equity rights are shared between both the state and the federal government.

5. VOCATIONAL REHABILITATION			
001. Replace Roof Perkins Rehabilitation Center			
Bond Funds	-0-	1,200,000	-0-
002. Franklin County - Lease			
003. Fayette County - Lease			
6. TEACHERS' RETIREMENT SYSTEM			
001. KTRS Pension Management System			
Restricted Funds	-0-	-0-	2,000,000

F. ENVIRONMENTAL AND PUBLIC PROTECTION CABINET

Budget Units	**2004-05**	**2005-06**
1. GENERAL ADMINISTRATION AND SUPPORT		
001. Network Upgrade		
Bond Funds	500,000	-0-
2. ENVIRONMENTAL PROTECTION		
001. State-Funded Leaking Underground Storage Tanks		
Restricted Funds	500,000	500,000
002. Hazardous Waste Management Fund		
Restricted Funds	2,100,000	2,100,000
003. National Environmental Exchange Network Grant		
Federal Funds	150,000	350,000
004. Franklin County - Lease (DoW Comm., Ash Bldg.)		
005. Franklin County - Lease (Air Qual., Schenkel Ln.)		
006. Kentucky Heritage Land Conservation Fund Additional		
Restricted Funds	3,000,000	3,000,000
Federal Funds	1,000,000	1,000,000
TOTAL	4,000,000	4,000,000
3. SURFACE MINING RECLAMATION AND ENFORCEMENT		
001. Franklin County - Lease		
4. KENTUCKY NATURE PRESERVES COMMISSION		

001. Kentucky Nature Preserves Acquisition Fund		
Other Funds	300,000	300,000
5. HOUSING, BUILDINGS AND CONSTRUCTION		
001. Franklin County - Lease		
6. DEPARTMENT OF INSURANCE		
001. Franklin County - Lease		
7. PUBLIC ADVOCACY		
001. Franklin County - Lease		
8. WORKPLACE STANDARDS		
001. Franklin County - Lease		
9. WORKERS' CLAIMS		
001. Franklin County - Lease		

G. FINANCE AND ADMINISTRATION CABINET

Budget Units	**2003-04**	**2004-05**	**2005-06**
1. ADMINISTRATION			
001. Two Inserting Machines - Postal Services			
Restricted Funds	-0-	300,000	-0-
002. Finance Genesco Building - Lease			
2. FACILITIES MANAGEMENT			
001. Capital Construction and Equipment Purchase Contingency Fund			
Investment Income	-0-	200,000	-0-
002. Renovate KY State Office Building - Phase II			
Bond Funds	-0-	41,300,000	-0-
003. Guaranteed Energy Performance Projects Pool			

(1) Authorization and Purpose of Pool: The Guaranteed Energy Performance Projects Pool shall serve as a central project pool for Guaranteed Energy Savings Performance Contracts in any state-owned building. These contracts will function as lease-purchase procurements, using energy savings as payment for improvements, as provided by KRS 56.770 to 56.784. The Finance and Administration Cabinet is authorized to enter into various guaranteed energy performance contracts for facilities in any state agency.

004. Statewide Repair, Maintenance, and Replacement Pool Fund			
Bond Funds	-0-	31,550,000	-0-

(1) Statewide Repair, Maintenance, and Replacement Pool Fund: Included in the above Statewide Repair, Maintenance, and Replacement Pool Fund are the following Bond Funds supported projects and related appropriations in fiscal year 2004-2005:

(a) Military Affairs, Construct 30 New T-Hangars, Capital City Airport, $1,350,000;

(b) Military Affairs, Maintenance Pool, $1,720,000;

(c) Parks, Maintenance Pool, $7,980,000;

(d) Kentucky Educational Television, Replace Roof at Network Center, $1,000,000;

(e) Environmental and Public Protection Cabinet, General Administration and Support, Maintenance Pool, $700,000;

(f) Environmental and Public Protection Cabinet, Department for Environmental Protection, State-Owned Dam Repair, $2,000,000;

(g) Facilities Management, Acquire Land/Demolish Buildings Statewide, $1,950,000;

(h) Facilities Management, Statewide Deferred Maintenance Fund, $1,000,000;

(i) Facilities Management, Emergency Repair, Maintenance, and Replacement Fund, $5,000,000;

(j) Facilities Management, Maintenance Pool, $7,500,000;

(k) Health and Family Services Cabinet, Department for Mental Health and Mental Retardation Services, Chiller Pool, $450,000; and

(l) Justice and Public Safety Cabinet, Department for Juvenile Justice, Maintenance Pool, $900,000.

(2) Projects Eligibility: Appropriations from the Statewide Repair, Maintenance, and Replacement Pool Fund for maintenance-related projects shall be used only for non-routine repair, maintenance, improvement and replacement of state facilities that protect and lengthen facility life span or comply with life and safety codes, the acquisition and improvement of state property, and deferred and emergency maintenance projects that meet the criteria in this section. Funds for maintenance-related projects shall not be used for minor routine maintenance of facilities and property.

005.	Maintenance Pool			
	Restricted Funds	-0-	124,000	124,000

3. KENTUCKY LOTTERY CORPORATION

001.	Sales and Quota System			
	Other Funds	-0-	500,000	-0-
002.	Potential Buyout of On-line Gaming System			
	Other Funds	-0-	12,250,000	-0-
003.	Contingency on Property Adjacent to New Headquarters			
	Other Funds	-0-	3,750,000	-0-
004.	Network Storage and Associated Infrastructure			
	Other Funds	-0-	500,000	-0-
005.	iSeries System Upgrades			
	Other Funds	-0-	1,500,000	-0-
006.	Data Processing, Telecomm., and Related Equipment			
	Other Funds	-0-	3,000,000	3,000,000

(1) **Property Acquisition:** The Kentucky Lottery Corporation may acquire properties related to the consolidation of the Kentucky Lottery Corporation's facilities assuming one or more of the properties becomes available for purchase. The purchase price of the properties shall not exceed $3,750,000 in the aggregate.

4. GOVERNOR'S OFFICE FOR TECHNOLOGY

(1) **Transfer of Restricted Funds from Operating Budget:** For the major equipment purchases displayed in this section funded from Restricted Funds, it is anticipated that these funds shall be transferred from the Operating Budget as funds are available and needed.

001.	UCJIS -Court Improvements (E-Warrants)			
	Federal Funds	-0-	2,000,000	-0-
	Bond Funds	-0-	4,500,000	-0-
	TOTAL	-0-	6,500,000	-0-
002.	Enterprise Infrastructure Security			
	Restricted Funds	-0-	1,000,000	-0-
003.	Enterprise Storage Solution			
	Restricted Funds	-0-	1,000,000	1,000,000
004.	Enterprise Tape Equipment/Media Solution			
	Restricted Funds	-0-	1,200,000	-0-
005.	Enterprise Messaging			
	Restricted Funds	-0-	660,000	-0-
006.	Disaster Recovery Project			
	Federal Funds	-0-	5,146,000	-0-
007.	KY Information Highway Upgrade Expansion			
	Restricted Funds	-0-	3,500,000	-0-
008.	Enterprise UNIX Server(s) Consolidation			
	Restricted Funds	-0-	2,000,000	1,300,000
009.	UCJIS - Criminal History			
	Bond Funds	-0-	2,000,000	-0-
010.	Enterprise Server Complex Upgrade			
	Restricted Funds	-0-	1,250,000	1,250,000
011.	Statewide Digital Orthoimagery Basemap Updating			
	Restricted Funds	-0-	200,000	-0-
	Federal Funds	-0-	300,000	-0-
	TOTAL	-0-	500,000	-0-

012. Disk Storage Upgrade			
Restricted Funds	-0-	800,000	-0-
013. Public Safety Communications Infrastructure - KEWS			
Bond Funds	-0-	-0-	26,768,000
014. Enterprise Server (z/OS) Upgrade/Replacement			
Restricted Funds	-0-	800,000	400,000
015. Franklin County - Lease			
5. OFFICE OF THE CONTROLLER			
001. Management Administrative Reporting System Upgrade			
Restricted Funds	-0-	3,500,000	-0-
Investment Income	-0-	3,500,000	-0-
TOTAL	-0-	7,000,000	-0-
6. REVENUE			
001. Develop Streamlined Sales Tax Simplification System			
Bond Funds	-0-	14,062,000	-0-
002. Franklin County - Lease - Perimeter Park			
003. Franklin County - Lease - 200 Fair Oaks			
004. Franklin County - Lease - 100 Fair Oaks			
005. Business Refund Off-Set System			
Bond Funds	-0-	1,750,000	-0-
006. Collection System Interface Phase I			
Bond Funds	-0-	1,500,000	-0-

H. HEALTH AND FAMILY SERVICES CABINET

Budget Units	**2004-05**	**2005-06**
1. GENERAL ADMINISTRATION AND PROGRAM SUPPORT		
001. Safeguarding Children at Risk (TWIST Re-Write)		
Federal Funds	264,000	261,000
Bond Funds	1,227,000	-0-
TOTAL	1,491,000	261,000
002. Server Refresh Phase I		
Federal Funds	249,200	-0-
Bond Funds	249,000	-0-
TOTAL	498,200	-0-
003. Network Infrastructure Upgrade FY 05-06		
Federal Funds	781,500	-0-
Bond Funds	782,000	-0-
TOTAL	1,563,500	-0-
004. Child Support Enforcement (KASES II)		
Federal Funds	3,960,000	-0-
Bond Funds	2,040,000	-0-
TOTAL	6,000,000	-0-
005. Support for Health and Welfare Services (KAMES)		
General Fund	-0-	6,000,000
Federal Funds	-0-	54,000,000
TOTAL	-0-	60,000,000
006. Boone County - Lease		
007. Boyd County - Lease		
008. Campbell County - Lease		

009. Fayette County - Lease		
010. Fayette County - Lease		
011. Franklin County - Lease		
012. Franklin County - Lease		
013. Hardin County - Lease		
014. Harlan County - Lease		
015. Henderson County - Lease		
016. Jefferson County - Lease		
017. Johnson County - Lease		
018. Kenton County - Lease		
019. Kenton County - Lease		
020. OTS Franklin - Lease		
021. Perry County - Lease		
022. Shelby County - Lease		
023. Warren County - Lease		
024. VA Hospital - Lease		
025. Upgrade KASPER System DPH		
Bond Funds	5,000,000	-0-
2. MENTAL HEALTH AND MENTAL RETARDATION SERVICES		
001. Upgrade HVAC Pipes & Electric - Glasgow		
Bond Funds	2,000,000	-0-
002. Replace Roof Oakwood		
Bond Funds	2,000,000	-0-
003. MH/MR Fair Oaks Franklin County - Lease		
004. MH/MR VA Hospital - Lease		
005. Maintenance Pool		
Investment Income	1,300,000	1,500,000
006. MH/MR Misc. Roof Pool - Statewide		
Investment Income	700,000	-0-
007. Eastern State Hospital - Water Piping Replacement System (Reauthorization and Reallocation - $850,000, Emer., Repair & Main., $250,000 Bond Funds)		

(1) **Eastern State Hospital - Water Piping Replacement System:** The above project is authorized from a reallocation of the Water Piping Replacement System - Eastern State Hospital/Veterans Hospital Relocation project (2003 Ky. Acts ch. 156, page 1778).

3. PUBLIC HEALTH		
001. Purchase Laboratory Equipment - Tandem Mass Sp.-DPH		
Capital Construction Surplus	330,000	-0-
002. Replace Laboratory Equipment - DPH		
Investment Income	350,000	-0-

I. JUSTICE AND PUBLIC SAFETY CABINET

Budget Units	**2004-05**	**2005-06**
1. STATE POLICE		
001. Construct Kentucky Public Safety Training Center		
Bond Funds	13,727,000	-0-
002. Maintenance Pool		
Investment Income	300,000	300,000
2. CORRECTIONS MANAGEMENT		
001. Perform Energy Perf. Contracting - Various II		

002. Maintenance Pool		
Investment Income	2,672,000	1,850,000

J. POSTSECONDARY EDUCATION

(1) **Major Item of Equipment Pools:** Acquisitions made by any postsecondary institution as part of an authorized Restricted Funds Major Item of Equipment Pool shall be limited to equipment items identified and prioritized by the institution in its capital budget request. The institution shall report to the Finance and Administration Cabinet and to the Capital Projects and Bond Oversight Committee monthly on the purchase of each major item of equipment.

Budget Units	**2003-04**	**2004-05**	**2005-06**
1. KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY			
001. Purchase Inserter			
Restricted Funds	-0-	140,000	-0-
002.. Franklin County - Lease			
003. Upgrade IBM iseries-Based Department and Peripheral Equipment			
Restricted Funds	-0-	700,000	-0-
004. Jefferson County - Lease			

2. COUNCIL ON POSTSECONDARY EDUCATION

(1) **Postsecondary Projects Authorization:** The specified postsecondary projects itemized below are authorized to be financed by auxiliary enterprises agency revenue bonds or hospital agency revenue bonds issued by the respective postsecondary institutions pursuant to Part XIV of this Act. The amount of debt service on these bonds and all revenues generated by such projects shall not be included in any determination of the Commonwealth's debt capacity.

In the event, the projects specified below are not authorized to be financed by auxiliary enterprises agency revenue bonds or hospital agency revenue bonds, due to action by the 2004 General Assembly within this Act or any other action by the 2004 General Assemby or veto by the Governor of the Commonwealth of Kentucky, the projects shall be authorized to be financed by the respective institution's Restricted Funds budget, and shall be considered eligible for bond authority under the Council on Postsecondary Education Agency Bond Pool with one exception, as stated below.

The Murray State University project, Construct New Residential College Facility to replace Richmond and Clark Halls, shall be authorized to be financed from bonds to be issued through the City of Murray (City) and under a management agreement between the University and the Murray State Campus Improvement Corporation (Corporation).

Budget Units	**2003-04**	**2004-05**	**2005-06**
A. EASTERN KENTUCKY UNIVERSITY			
001. Renovate Residence Hall	-0-	7,500,000	-0-
002. Renovate Student Health Center	-0-	2,072,000	-0-
003. Construct New Intramural Fields	-0-	2,300,000	-0-
B. KENTUCKY STATE UNIVERSITY			
001. Construct New Residence Hall	-0-	20,000,000	-0-
002. Build-out Hill Student Center Third Floor	-0-	600,000	-0-
003. Repair Alumni Stadium Structure	-0-	400,000	-0-
004. Construct Softball Field	-0-	500,000	-0-
C. MOREHEAD STATE UNIVERSITY			
001. Expand Student Wellness Center	-0-	1,000,000	-0-
002. Comply with ADA – Auxiliary(Reauthorization $1,200,000)			
003. Construct Family Housing Complexes Phase II	-0-	4,700,000	-0-
004. HVAC/Fan Coil Project Pool – Auxiliary	-0-	1,216,000	-0-
005. Exterior/Roof & Window Replacement Project Pool – Auxiliary	-0-	1,445,000	-0-
006. Interior/Plumbing/Elevator Project Pool – Auxiliary	-0-	1,420,000	-0-

	007. Renovate Waterfield Hall	-0-	7,000,000	-0-
D.	**MURRAY STATE UNIVERSITY**			
	001. Construct New Residential College Facility to Replace Richmond and Clark Halls	-0-	26,154,000	-0-
E.	**NORTHERN KENTUCKY UNIVERSITY**			
	001. Construct New Student Union	-0-	32,800,000	-0-
	002. Construct New Parking Deck - Phase II	-0-	9,700,000	-0-
F.	**UNIVERSITY OF KENTUCKY**			
	001. Renovate Outpatient Clinic at Kentucky Clinic	-0-	2,237,000	-0-
	002. Construct New Housing	-0-	49,991,000	-0-
	003. Construct Parking Structure – North Campus	-0-	25,248,000	-0-
	004. Expand Memorial Coliseum	-0-	27,500,000	-0-
	005. Construct Patient Bed Tower – Hospital	-0-	50,000,000	-0-
	006. Construct Outpatient Diagnostics/Treatment Facility II – Hospital	-0-	17,545,000	-0-
	007. Renovate Dietetics – Hospital	-0-	6,000,000	-0-
	008. Renovate Commonwealth Stadium Concrete	-0-	2,500,000	-0-
	009. Renovate Football Practice Field	-0-	2,250,000	-0-
	010. Construct Baseball Clubhouse	-0-	2,500,000	-0-
	011. Renovate Blazer Hall Cafeteria	-0-	1,170,000	-0-
	012. Renovate Student Center Food Court	-0-	1,643,000	-0-
	013. Renovate Central Facility Cafeteria	-0-	1,585,000	-0-
	014. Renovate First Floor Phase I – Hospital	-0-	8,000,000	-0-
	015. Construct Student Health Facility	-0-	21,801,000	-0-
G.	**UNIVERSITY OF LOUISVILLE**			
	001. Purchase Third Street & Central Avenue Property	-0-	3,100,000	-0-
	002. Construct Baseball Stadium (Reauthorization $5,900,000)			
	003. Construct Basketball Facility & Office	-0-	8,500,000	-0-
	004. Construct Boathouse for Women's Rowing Program (Reauthorization $2,676,000)			
	005. Renovate University Housing Capital Renewal Phase I	-0-	3,210,000	-0-
	006. Construct Health Sciences Center Parking Structure II	-0-	14,440,000	-0-
	007. Construct Multipurpose Field House & Practice Facility	-0-	12,404,000	-0-
H.	**WESTERN KENTUCKY UNIVERSITY**			
	001. Renovate Downing University Center Phase III	-0-	11,000,000	-0-
	002. Construct Student Health			

	Services Clinic	-0-	7,500,000	-0-
003.	Improve South Campus Parking and Dining	-0-	11,500,000	-0-

AGENCY

001.	Capital Renewal & Maintenance Pool			
	Bond Funds	-0-	15,000,000	-0-
002.	Franklin County - Lease			
003.	KYVU/KYVL Website ADA Compliance. Redesign			
	Restricted Funds	-0-	750,000	-0-
004.	KYVL Portal - Statewide License Replacement			
	Restricted Funds	-0-	1,000,000	-0-

(1) Postsecondary Education Capital Renewal and Maintenance Pool Match: The Capital Renewal and Maintenance Pool provides funding for individual projects at Kentucky's public postsecondary institutions to upgrade and replace building systems and infrastructure in Education and General facilities. The individual projects funded from this pool shall be recommended by the Council on Postsecondary Education to the Secretary of the Finance and Administration Cabinet from the project listings previously identified by the Council. The Council shall determine the allocation of the Capital Renewal and Maintenance pool among the postsecondary education institutions and report that allocation to the Secretary of the Finance and Administration Cabinet and the Legislative Research Commission's Capital Projects and Bond Oversight Committee. The Bond Funds in this pool shall be matched with the institutions' Restricted Funds at varying levels as determined by the Council on Postsecondary Education.

005.	Agency Bonds Pool			
	Agency Bonds	-0-	42,902,000	-0-

(1) Council on Postsecondary Education's Agency Bonds Pool Projects: The Council on Postsecondary Education shall identify projects for funding from the Council's Agency Bonds Pool. The Council on Postsecondary Education shall report allocations from the Agency Bonds Pool to the Secretary of the Finance and Administration Cabinet, the Interim Joint Committee on Appropriations and Revenue, the Interim Joint Committee on Education, and the Capital Projects and Bond Oversight Committee.

(2) Disease Diagnostic Center: Included in the above Agency Bonds Pool is authorization to issue $4,500,000 in Agency Bonds for the project to Expand and Upgrade the University of Kentucky Livestock Disease Diagnostic Center.

3. EASTERN KENTUCKY UNIVERSITY

001.	Construct Business/Technology Center, Phase II			
	Bond Funds	-0-	27,000,000	-0-
002.	Upgrade Academic Computing			
	Restricted Funds	-0-	2,300,000	2,600,000
003.	Purchase Networked Education System Component			
	Restricted Funds	-0-	3,450,000	3,500,000
004.	Expand, Upgrade Campus Data Network			
	Restricted Funds	-0-	7,212,000	6,000,000
005.	Upgrade Administrative Computing System			
	Restricted Funds	-0-	1,650,000	1,500,000
006.	Purchase Fourier Trans. Nuc. Mag. Res. Spect.			
	Restricted Funds	-0-	135,000	-0-
007.	Construct E & G Life Safety Begley Elevator Reauthorization ($750,000 Restricted Funds)			
008.	Purchase of Property			
	Restricted Funds	-0-	3,000,000	-0-
009.	Guaranteed Energy Savings Project			
010.	Renovate Watts Property (Elmwood) Reauthorization ($2,000,000 Restricted Funds)			
011.	Expand and Renovate Presnell Building			

	Reauthorization ($1,000,000 Restricted Funds)			
012.	Expand Indoor Tennis Facility			
	Restricted Funds	-0-	1,000,000	-0-
013.	Construct Manchester Postsecondary Education Center			
	Bond Funds	-0-	9,000,000	-0-
4.	**KENTUCKY STATE UNIVERSITY**			
001.	Hathaway Hall Renovation Phase II			
	Bond Funds	-0-	7,400,000	-0-
002.	Renovate Young Hall - Additional			
	Reauthorization ($4,547,000 Agency Bonds)			
	Restricted Funds	-0-	396,000	-0-
	Bond Funds	-0-	5,339,000	-0-
	TOTAL	-0-	5,735,000	-0-
003.	Bradford Hall Structural Repair			
	Restricted Funds	-0-	900,000	-0-
004.	Expand Business Wing & Renovate Bradford Hall			
	Restricted Funds	-0-	8,400,000	16,600,000
005.	Roof Repairs & Replacement Exum/Combs/Bell Gym			
	Restricted Funds	-0-	450,000	450,000
006.	Extend Fiber Network to South Campus			
	Restricted Funds	-0-	839,000	-0-
007.	Implement Smart Card Technology			
	Restricted Funds	-0-	1,165,000	-0-
008.	Add New Chiller			
	Restricted Funds	-0-	2,392,000	-0-
009.	Telecommunication Equipment (PBX)			
	Restricted Funds	-0-	1,352,000	-0-
010.	Expand Cooperative Extension Bldg.			
	Federal Funds	-0-	-0-	3,353,000
011.	Guaranteed Energy Savings Project			
5.	**MOREHEAD STATE UNIVERSITY**			
001.	Major Item of Equipment Pool			
	Restricted Funds	-0-	4,023,000	-0-
002.	Construct MSU-NASA Space Science Center			
	Federal Funds	-0-	5,000,000	-0-
	Bond Funds	-0-	7,200,000	-0-
	TOTAL	-0-	12,200,000	-0-

(1) **NASA-Goddard Satellite Tracking Station:** The NASA-Goddard Satellite Tracking Station new space science facility is to support the 18-meter NASA-Goddard satellite tracking station to be located on the campus of Morehead State University. With the new facility, academic programs in physics, pre-engineering, space technology, and other space-related fields will be developed or expanded. The new facility will also provide new economic development and outreach opportunities solely resulting from the NASA-Goddard Satellite Tracking Station.

003.	KY Geodetic Infrastructure Phase I			
	Federal Funds	-0-	5,000,000	-0-
004.	Comply with ADA- E & G - Additional			
	Restricted Funds	-0-	500,000	-0-
005.	Enhance Network/Infrastructure Resources			
	Reauthorization ($2,250,000 Restricted Funds)			
006.	Enhance Library Automation Resources			

		Reauthorization ($750,000 Restricted Funds)			
	007.	Enhance Distance Learning Systems			
		Reauthorization ($2,500,000 Restricted Funds)			
	008.	Expand Compressed Video Resources - Additional			
		Restricted Funds	-0-	309,000	-0-
	009.	Upgrade Instruct. PCs/LANS/Peripherals			
		Reauthorization ($2,500,000 Restricted Funds)			
	010.	Upgrade Administrative Office Systems			
		Reauthorization ($2,000,000 Restricted Funds)			
	011.	Reconstruct Central Campus			
		Reauthorization ($780,000 Restricted Funds)			
	012.	Acquire Land Related to Master Plan			
		Restricted Funds	-0-	2,000,000	-0-
	013.	Replace Steam Line			
		Restricted Funds	-0-	500,000	-0-
	014.	Replace Boiler Tubes			
		Restricted Funds	-0-	800,000	-0-
	015.	Replace Bag House			
		Restricted Funds	-0-	2,000,000	-0-
	016.	Construct Parking Structure - Additional			
		Restricted Funds	-0-	500,000	-0-
6.	**MURRAY STATE UNIVERSITY**				
	001.	Construct New Science Complex - Phase II			
		Bond Funds	-0-	15,000,000	-0-
	002.	Guaranteed Energy Savings Project			
	003.	Acquire Land			
		Restricted Funds	-0-	499,800	-0-
	004.	Install 350 Ton Chiller - Reg. Special Events Center			
		Reauthorization ($400,000 Restricted Funds)			
	005.	Construct Public Safety Building			
		Restricted Funds	-0-	1,500,000	-0-
	006.	Repair Stewart Stadium - Structural			
		Restricted Funds	-0-	2,000,000	-0-
	007.	Install Baseball Field and Stadium Sidewalk Lights			
		Reauthorization ($600,000 Restricted Funds)			
	008.	Replace Breathitt Veterinary Center Incinerator			
		Restricted Funds	-0-	1,500,000	-0-
	009.	Upgrade Campus Electrical Distribution System			
		Reauthorization ($10,765,000 Restricted Funds)			
	010.	Capital Renewal & Deferred Maintenance Pool			
		Restricted Funds	-0-	19,084,000	-0-
	011.	Replace Campus Communications Infrastructure			
		Restricted Funds	-0-	2,500,000	-0-
	012.	Replace Telephone Switching System			
		Reauthorization ($1,000,000 Restricted Funds)			
	013.	Replace Clark Hall Water Piping, Fixtures, Etc.			
		Reauthorization ($600,000 Restricted Funds)			
	014.	Replace Springer Hall Water Piping, Fixtures, Etc.			

	Reauthorization ($800,000 Restricted Funds)			
015.	Replace Franklin Hall Water Piping, Fixtures, Etc.			
	Reauthorization ($600,000 Restricted Funds)			
016.	Replace Richmond Hall Water Piping Fixtures, Etc.			
	Reauthorization ($600,000 Restricted Funds)			
017.	Replace Regents Hall Domestic Water Piping			
	Reauthorization ($500,000 Restricted Funds)			
018.	Upgrade College Courts Electrical System			
	Reauthorization ($1,200,000 Restricted Funds)			
019.	Renovate College Courts			
	Reauthorization ($3,636,000 Restricted Funds)			
020.	Renovate College Courts Interiors (12 Buildings)			
	Reauthorization ($2,000,000 Restricted Funds)			
021.	Replace Student Writing and Design Lab Computers			
	Restricted Funds	-0-	414,000	-0-
022.	Upgrade Campus Network to Gigabit Ethernet System			
	Reauthorization ($1,000,000 Restricted Funds)			
023.	Install Online Centralized Data Access/Warehouse			
	Restricted Funds	-0-	520,000	-0-
024.	Establish Centralized Technology Refresh Program			
	Restricted Funds	-0-	2,600,000	-0-
025.	Purchase BVC Electron Microscope-Scanning Type			
	Restricted Funds	-0-	300,000	-0-
026.	Replace Franklin Hall			
	Reauthorization ($8,000,000 Restricted Funds)			
027.	Remove Elizabeth Hall Asbestos Ceiling			
	Reauthorization ($450,000 Restricted Funds)			
028.	Remove Hester Hall Asbestos Ceilings			
	Reauthorization ($450,000 Restricted Funds)			
029.	Repair Winslow Cafeteria Exterior			
	Reauthorization ($500,000 Restricted Funds)			
030.	Construct New Residential College Facilities to Replace Richmond and Clark Halls			
	Agency Bonds	-0-	26,154,000	-0-
7.	**NORTHERN KENTUCKY UNIVERSITY**			
001.	Regional Special Events Center			
	Bond Funds	-0-	42,000,000	-0-
002.	Repair Structure of Landrum Hall/Phase II			
	Restricted Funds	-0-	900,000	-0-
003.	Renovate/Expand Landrum Hall -Design			
	Restricted Funds	-0-	700,000	-0-
004.	Replace Power Distribution Infrastructure			
	Restricted Funds	-0-	3,000,000	-0-
005.	Upgrade AS &T Instructional Space			
	Restricted Funds	-0-	3,100,000	-0-
006.	Land Acquisition Pool - 2004-2006			
	Restricted Funds	-0-	3,000,000	-0-
007.	Replace Air Handlers			

	Restricted Funds	-0-	875,000	-0-
008.	Replace Elevators Landrum Hall/Lucas Admin Center			
	Restricted Funds	-0-	900,000	-0-
009.	Construct Sports Complex			
	Restricted Funds	-0-	12,000,000	-0-
010.	Initiate Phase II Master Plan			
	Restricted Funds	-0-	2,200,000	-0-
011.	Expand Regents Hall			
	Restricted Funds	-0-	1,300,000	-0-
012.	Reconstruct Central Plaza			
	Restricted Funds	-0-	3,500,000	-0-
013.	Enhance Info Technology Infrastructure Reauthorization ($2,700,000 Restricted Funds)			
014.	Enhance Instructional Info Technology			
	Restricted Funds	-0-	3,600,000	-0-
015.	Construct Alumni Center			
	Restricted Funds	-0-	5,100,000	-0-
016.	Purchase Coach Bus			
	Restricted Funds	-0-	400,000	-0-
017.	Purchase Direct Image Platesetter			
	Restricted Funds	-0-	150,000	-0-
018.	Replace Admin Application System			
	Restricted Funds	-0-	6,160,000	-0-
019.	Office Space - Lease			
020.	Metropolitan and Education Service Center- Lease			
021.	Improve Lake Area			
	Restricted Funds	-0-	2,000,000	-0-
8.	**UNIVERSITY OF KENTUCKY**			
001.	Major Item of Equipment Pool			
	Restricted Funds	-0-	75,000,000	-0-
002.	Construct Biological/Pharmaceutical Complex, Phase I			
	Bond Funds	-0-	21,000,000	-0-
	Agency Bonds	-0-	21,000,000	-0-
	TOTAL	-0-	42,000,000	-0-
003.	Construct Gatton Building Complex - Design			
	Restricted Funds	-0-	4,500,000	-0-
004.	Construct Law School Building - Design			
	Restricted Funds	-0-	4,000,000	-0-
005.	Purchase/Renovate Facility for College of Design			
	Restricted Funds	-0-	16,528,000	-0-
006.	Construct LCC Classroom/Class Lab Building			
	Bond Funds	-0-	28,855,000	-0-
007.	Construct Digital Technologies Building - Design			
	Restricted Funds	-0-	3,000,000	-0-
008.	Expand Plant, Soil & Envir. Sci. Facil. - Design			
	Restricted Funds	-0-	1,500,000	-0-
009.	Expand Chemistry-Physics Building Design			

	Restricted Funds	-0-	5,500,000	-0-
010.	Expand & Upgrade Livestock Disease Diag. Center			
	Restricted Funds	-0-	4,000,000	-0-
011.	Construct Bio-Medical Research Building Design			
	Restricted Funds	-0-	6,000,000	-0-
012.	Construct Early Childhood Development/Family Center			
	Restricted Funds	-0-	9,956,000	-0-
013.	Expand KGS Well Sample & Core Repository			
	Restricted Funds	-0-	3,759,000	-0-
014.	Renovate Sections of Funkhouser			
	Restricted Funds	-0-	4,923,000	-0-
015.	Construct Student Health Facility			
	Restricted Funds	-0-	21,801,000	-0-
016.	Improve Life Safety, Project Pool			
	Restricted Funds	-0-	5,290,000	-0-
017.	Improve Plant - Capital Renewal Pool			
	Restricted Funds	-0-	15,000,000	-0-
018.	Upgrade Fume Hoods TH Morgan - Life Safety			
	Restricted Funds	-0-	2,738,000	-0-
019.	Upgrade Fume Hoods Research #3 - Life Safety			
	Restricted Funds	-0-	4,825,000	-0-
020.	Upgrade HVAC - CAER Ph. III Life Safety			
	Restricted Funds	-0-	475,000	-0-
021.	Upgrade Pharm. Fume Hood I - Life Safety			
	Restricted Funds	-0-	4,300,000	-0-
022.	Improve IAQ - Phase I - Life Safety			
	Restricted Funds	-0-	500,000	-0-
023.	Abate Asbestos LC II - Life Safety			
	Restricted Funds	-0-	500,000	-0-
024.	Improve Accessibility Project Pool			
	Restricted Funds	-0-	437,000	-0-
025.	Renovate Running Track			
	Restricted Funds	-0-	2,500,000	-0-
026.	Lease-Purchase High Performance Research Comp.			
	Restricted Funds	-0-	6,500,000	-0-
027.	Construct Medical Center Education Building			
	Restricted Funds	-0-	27,000,000	-0-
028.	Construct Environmental Institute			
	Restricted Funds	-0-	14,287,000	-0-
029.	Expand/Renovate Art Museum in Singletary Center			
	Restricted Funds	-0-	10,075,000	-0-
030.	Upgrade Pilot - Scale Mineral Process Facility			
	Restricted Funds	-0-	500,000	-0-
031.	Lease-Purchase Large Scale Computing			
	Restricted Funds	-0-	3,500,000	-0-
032.	Renovate COHR Space in the Dental Building			
	Restricted Funds	-0-	1,875,000	-0-
033.	Expand CAER Laboratories			

	Restricted Funds	-0-	3,833,000	-0-
034.	Lease-Purchase Enterprise Storage System			
	Restricted Funds	-0-	1,200,000	-0-
035.	Lease-Purchase UPS System			
	Restricted Funds	-0-	800,000	-0-
036.	Upgrade Electric & Lighting in Guignol Theatre			
	Restricted Funds	-0-	890,000	-0-
037.	Lease-Purchase Campus Infrastructure Upgrade			
	Restricted Funds	-0-	3,500,000	-0-
038.	Lab Security Systems Project Pool			
	Restricted Funds	-0-	500,000	-0-
039.	Renovate 3rd Floor Little Library			
	Restricted Funds	-0-	2,200,000	-0-
040.	Install Emergency Generator in Computing Facility			
	Restricted Funds	-0-	425,000	-0-
041.	Renovate Med. Center Library			
	Restricted Funds	-0-	5,500,000	-0-
042.	Renovate King Library South - 1930 Section			
	Restricted Funds	-0-	17,901,000	-0-
043.	Land Acquisition Pool			
	Restricted Funds	-0-	15,000,000	-0-
044.	Renovate Practice Instruction Space in Pharmacy			
	Restricted Funds	-0-	3,200,000	-0-
045.	Lease-Purchase Apartment Complex			
	Restricted Funds	-0-	11,000,000	-0-
046.	Replace Air Handling Units Central Computing Facility			
	Restricted Funds	-0-	510,000	-0-
047.	Renovate Graduate Edu. & Research Space in Nursing			
	Restricted Funds	-0-	1,600,000	-0-
048.	Renovate Bowman Hall			
	Restricted Funds	-0-	8,221,000	-0-
049.	Renovate Reynolds Building			
	Restricted Funds	-0-	12,310,000	-0-
050.	Lease-Purchase Data Warehouse			
	Restricted Funds	-0-	600,000	-0-
051.	Purchase Server/Workstation for Software			
	Restricted Funds	-0-	400,000	-0-
052.	Renovate Taylor Education Building			
	Restricted Funds	-0-	17,864,000	-0-
053.	Construct Parking Structure - Central Campus			
	Restricted Funds	-0-	17,000,000	-0-
054.	Renovate Kastle Hall			
	Restricted Funds	-0-	8,269,000	-0-
055.	Lease-Purchase Tape Library			
	Restricted Funds	-0-	500,000	-0-
056.	Expand Grehan Journalism Building			
	Restricted Funds	-0-	12,740,000	-0-
057.	Construct New Alumni Center			

	Restricted Funds	-0-	15,250,000	-0-
058.	Expand Animal Science Research Center Phase II			
	Restricted Funds	-0-	23,184,000	-0-
059.	Renovate Central Computing Facility			
	Restricted Funds	-0-	2,360,000	-0-
060.	Renovate Koinonia House			
	Restricted Funds	-0-	1,950,000	-0-
061.	Lease-Purchase Fire Suppression Upgrade			
	Restricted Funds	-0-	850,000	-0-
062.	Renovate Slone Building			
	Restricted Funds	-0-	7,993,000	-0-
063.	Purchase Police Communications Equipment			
	Restricted Funds	-0-	571,000	-0-
064.	Purchase Upgraded Integrated Library System			
	Restricted Funds	-0-	700,000	-0-
065.	Lease-Purchase Network Security Hardware			
	Restricted Funds	-0-	1,500,000	-0-
066.	Fit-up Education Space in Health Science Building			
	Restricted Funds	-0-	1,000,000	-0-
067.	Replace Steam and Condensate Pipe			
	Restricted Funds	-0-	5,000,000	-0-
068.	Replace Air Handling Units in Research #1			
	Restricted Funds	-0-	950,000	-0-
069.	Lease-Purchase Telephone Switch Convergence			
	Restricted Funds	-0-	12,000,000	-0-
070.	Upgrade Elevator Controls in Nursing Building			
	Restricted Funds	-0-	600,000	-0-
071.	Purchase Digital Media Distribution System			
	Restricted Funds	-0-	186,000	-0-
072.	Renovate School of Public Health Building			
	Restricted Funds	-0-	3,751,000	-0-
073.	Replace Nutter Football Field			
	Restricted Funds	-0-	2,000,000	-0-
074.	Lease-Purchase Unix Cluster			
	Restricted Funds	-0-	600,000	-0-
075.	Upgrade Network for Software			
	Restricted Funds	-0-	250,000	-0-
076.	Purchase Integrated Imaging System			
	Restricted Funds	-0-	130,000	-0-
077.	Lease-Purchase Video Switch Expansion			
	Restricted Funds	-0-	250,000	-0-
078.	Replace Law Building Marble Facade			
	Restricted Funds	-0-	838,000	-0-
079.	Construct Multi-Care Clinic Building			
	Restricted Funds	-0-	20,500,000	-0-
080.	Purchase Network Infrastructure Restructuring			
	Restricted Funds	-0-	160,000	-0-
081.	Lease-Purchase UPS Upgrade for Communications			

	Restricted Funds	-0-	800,000	-0-
082.	Expand Patient Parking in Structure #3			
	Restricted Funds	-0-	7,000,000	-0-
083.	Purchase GIS Remote Sensing Teaching Lab			
	Restricted Funds	-0-	160,000	-0-
084.	Replace Central Facilities Management System			
	Restricted Funds	-0-	3,000,000	-0-
085.	Renovate Photography Space in Nursing Building			
	Restricted Funds	-0-	650,000	-0-
086.	Replace Chemistry Physics Ductwork			
	Restricted Funds	-0-	2,000,000	-0-
087.	Fit-up 4th Floor BBSRB			
	Restricted Funds	-0-	3,265,000	-0-
	Federal Funds	-0-	7,735,000	-0-
	TOTAL	-0-	11,000,000	-0-
088.	Replace Central Fire Alarm System			
	Restricted Funds	-0-	2,500,000	-0-
089.	Upgrade the Vivarium in Sanders Brown Building			
	Restricted Funds	-0-	2,000,000	-0-
	Federal Funds	-0-	2,000,000	-0-
	TOTAL	-0-	4,000,000	-0-
090.	Purchase Redundant Disk Server System			
	Restricted Funds	-0-	170,000	-0-
091.	Renovate Substation #2			
	Restricted Funds	-0-	2,780,000	-0-
092.	Renovate Labs in the Pharmacy Building			
	Restricted Funds	-0-	2,000,000	-0-
	Federal Funds	-0-	2,000,000	-0-
	TOTAL	-0-	4,000,000	-0-
093.	Improve Central Heating Plant			
	Restricted Funds	-0-	4,000,000	-0-
094.	Construct Regional BL3/BL4 Facility			
	Federal Funds	-0-	50,000,000	-0-
095.	Renovate Facade - Agriculture Building North			
	Restricted Funds	-0-	4,000,000	-0-
096.	Improve Storm Sewer Funkhouser			
	Restricted Funds	-0-	1,103,000	-0-
097.	Purchase Instructional Video Studio			
	Restricted Funds	-0-	250,000	-0-
098.	Guaranteed Energy Performance Project			
099.	Install Chilled Water Pipe-Clg 2 to Pit			
	Restricted Funds	-0-	1,500,000	-0-
100.	Install Cooling Secondary Pumping			
	Restricted Funds	-0-	2,500,000	-0-
101.	Renovate Animal Facility in Tobacco & Health Building			
	Restricted Funds	-0-	1,500,000	-0-
102.	Replace Cooling Plant Chillers			
	Restricted Funds	-0-	6,000,000	-0-

103.	Renovate Imaging Center at KY Clinic			
	Restricted Funds	-0-	2,000,000	-0-
104.	Replace Master Clock and Bell System			
	Restricted Funds	-0-	1,500,000	-0-
105.	Expand Ophthalmology Clinic in Med. Plaza			
	Restricted Funds	-0-	582,000	-0-
106.	Repair Concrete Phase I General Campus			
	Restricted Funds	-0-	750,000	-0-
107.	Renovate Imaging Center I			
	Restricted Funds	-0-	530,000	-0-
108.	Repair Blacktop Phase I General Campus			
	Restricted Funds	-0-	750,000	-0-
109.	Renovate Research Labs in Med. Center, III			
	Restricted Funds	-0-	1,000,000	-0-
110.	Upgrade Electrical Substation			
	Restricted Funds	-0-	4,000,000	-0-
111.	Renovate Education Space in Med. Science			
	Restricted Funds	-0-	2,300,000	-0-
112.	Installed Chilled Water Pipe to South Campus			
	Restricted Funds	-0-	5,000,000	-0-
113.	Renovate Research Labs in Med. Center, I			
	Restricted Funds	-0-	750,000	-0-
114.	Install Chilled Water Additions General Campus			
	Restricted Funds	-0-	1,000,000	-0-
115.	Renovate Imaging Center, II			
	Restricted Funds	-0-	530,000	-0-
116.	Purchase Shared Desktop Environment			
	Restricted Funds	-0-	250,000	-0-
117.	Install Med. Center Chilled Water Loop			
	Restricted Funds	-0-	700,000	-0-
118.	Renovate Research Labs in Medical Center, IV			
	Restricted Funds	-0-	1,250,000	-0-
119.	Replace High Voltage Wiring			
	Restricted Funds	-0-	775,000	-0-
120.	Renovate Research Labs in Med. Center, II			
	Restricted Funds	-0-	900,000	-0-
121.	Replace McVey Hall HVAC			
	Restricted Funds	-0-	3,000,000	-0-
122.	Renovate Research Space Med. Center, I			
	Restricted Funds	-0-	1,500,000	-0-
123.	Replace Mathews Building HVAC			
	Restricted Funds	-0-	1,000,000	-0-
124.	Replace HVAC Slone Building			
	Restricted Funds	-0-	2,320,000	-0-
125.	Replace HVAC Kastle Hall			
	Restricted Funds	-0-	3,000,000	-0-
126.	Replace Fine Arts HVAC			
	Restricted Funds	-0-	3,000,000	-0-

127.	Replace Three Elevators MI King South			
	Restricted Funds	-0-	975,000	-0-
128.	Renovate Barker Hall			
	Restricted Funds	-0-	5,060,000	-0-
129.	Add Centralized Emergency Generator			
	Restricted Funds	-0-	5,034,000	-0-
130.	Upgrade Communication Infrastructure, II			
	Restricted Funds	-0-	450,000	-0-
131.	Expand Plant Capacity Infrastructure			
	Restricted Funds	-0-	23,000,000	-0-
132.	Renovate Teaching Space in Med. Plaza			
	Restricted Funds	-0-	500,000	-0-
133.	Install HVAC in Keeneland Hall			
	Restricted Funds	-0-	5,109,000	-0-
134.	Renovate Faculty Office Space in Med. Center			
	Restricted Funds	-0-	500,000	-0-
135.	Replace Holmes Elevator			
	Restricted Funds	-0-	641,000	-0-
136.	Renovate Foundation Offices in MRISC Building			
	Restricted Funds	-0-	500,000	-0-
137.	Install Commons Elevator			
	Restricted Funds	-0-	400,000	-0-
138.	Renovate Breast Clinic in MRISC Building			
	Restricted Funds	-0-	520,000	-0-
139.	Renovate Vivarium in Central DLAR Facility			
	Restricted Funds	-0-	1,000,000	-0-
	Federal Funds	-0-	1,000,000	-0-
	TOTAL	-0-	2,000,000	-0-
140.	Renovate Vivarium in Combs Building			
	Restricted Funds	-0-	300,000	-0-
	Federal Funds	-0-	300,000	-0-
	TOTAL	-0-	600,000	-0-
141.	Renovate Safety & Security Building			
	Restricted Funds	-0-	1,645,000	-0-
142.	Renovate DLAR General Offices in Med. Center			
	Restricted Funds	-0-	400,000	-0-
143.	Lease-Purchase UK/UofL/Frankfort Research Network			
	Restricted Funds	-0-	6,000,000	-0-
144.	Lease-Purchase ERP System			
	Restricted Funds	-0-	10,000,000	-0-
145.	Purchase Compressed Video-Hazard			
	Restricted Funds	-0-	141,000	-0-
146.	Renovate Erikson Hall			
	Restricted Funds	-0-	6,001,000	-0-
147.	Expand West Kentucky Research and Education Center			
	Restricted Funds	-0-	4,000,000	-0-
148.	Renovate Bradley Hall			
	Restricted Funds	-0-	5,216,000	-0-

149.	Purchase Digital Education Equipment			
	Restricted Funds	-0-	1,900,000	-0-
150.	Construct Gluck Equine Res. Ctr. - Phase II			
	Restricted Funds	-0-	29,835,000	-0-
151.	Addition to Lafferty Hall			
	Restricted Funds	-0-	5,195,000	-0-
152.	Upgrade Sound and Lighting for Singletary Center			
	Restricted Funds	-0-	680,000	-0-
153.	Upgrade Comm. Infrastructure in Young Library			
	Restricted Funds	-0-	2,601,000	-0-
154.	Construct Horticultural Research and Education F			
	Restricted Funds	-0-	1,600,000	-0-
155.	Expand Erikson Hall			
	Restricted Funds	-0-	18,741,000	-0-
156.	Purchase Patient Classification Equipment			
	Restricted Funds	-0-	260,000	-0-
157.	Construct UK Paducah Engineering Research Center			
	Restricted Funds	-0-	1,000,000	-0-
158.	Purchase Telemedicine Rural Health			
	Restricted Funds	-0-	416,000	-0-
159.	Construct KY Transportation Center Building			
	Restricted Funds	-0-	20,699,000	-0-
	Federal Funds	-0-	2,500,000	-0-
	TOTAL	-0-	23,199,000	-0-
160.	Construct University Conference Center			
	Restricted Funds	-0-	19,605,000	-0-
161.	Replace Steam Line MC Htg. - Hosp. Drive Pit 2			
	Restricted Funds	-0-	1,180,000	-0-
162.	Replace Steam Line Lime Tunnel - Main Gate Pit			
	Restricted Funds	-0-	1,690,000	-0-
163.	Replace Steam Line Lime Tunnel - POT Tunnel			
	Restricted Funds	-0-	730,000	-0-
164.	Install Steam Line BBSRB - Old Main Gate Pit			
	Restricted Funds	-0-	4,130,000	-0-
165.	Replace Steam Line Main Gate Pit -Anderson Pit			
	Restricted Funds	-0-	1,530,000	-0-
166.	Replace Steam Line Kastle - Chem./Phys. Pit 28			
	Restricted Funds	-0-	740,000	-0-
167.	Install Pollution Controls			
	Restricted Funds	-0-	1,740,000	-0-
168.	Kentucky Utilities Building - Lease			
169.	College of Medicine Off-Campus Clinic - Lease			
170.	College of Pharmacy-Contracted Program - Lease			
171.	Med. Center - Grant Projects - Lease			
172.	Med. Center Off-Campus Patient Facility - Lease			
173.	Med. Center Contract Sponsored Programs - Lease			
174.	Clinic Blazer Parkway - Lease			
175.	Expand Surgical Services - Hospital			

	Restricted Funds	-0-	3,531,000	-0-
176.	Create Universal Nursing Unit-Hospital			
	Restricted Funds	-0-	964,000	-0-
177.	Upgrade Outpatient Surgical Suite - Hospital			
	Restricted Funds	-0-	2,500,000	-0-
178.	Modify Nursing Unit XI - Hospital			
	Restricted Funds	-0-	1,160,000	-0-
179.	Modify Nursing Unit XII - Hospital			
	Restricted Funds	-0-	3,936,000	-0-
180.	Construct Imaging Facility - Hospital			
	Restricted Funds	-0-	10,035,000	-0-
181.	Upgrade Cancer Ctr. Radiologic Facility - Hospital			
	Restricted Funds	-0-	6,000,000	-0-
182.	Construct Cancer Urgent Treatment Facility - Hospital			
	Restricted Funds	-0-	10,562,000	-0-
183.	Upgrade Surgical Suite - Hospital			
	Restricted Funds	-0-	2,600,000	-0-
184.	Construct Radiation Medicine Facility - Hospital			
	Restricted Funds	-0-	6,047,000	-0-
185.	Upgrade Transport Systems V - Hospital			
	Restricted Funds	-0-	800,000	-0-
186.	Expand Operating Room Suites - Hospital			
	Restricted Funds	-0-	3,547,000	-0-
187.	Expand Parking Structure #4 - Hospital			
	Restricted Funds	-0-	3,620,000	-0-
188.	Upgrade Building/Site IV - Hospital			
	Restricted Funds	-0-	800,000	-0-
189.	Upgrade HVAC II - Hospital			
	Restricted Funds	-0-	3,500,000	-0-
190.	Construct Radiation Med. Facility II - Hospital			
	Restricted Funds	-0-	2,548,000	-0-
191.	Upgrade Utility Systems VI - Hospital			
	Restricted Funds	-0-	1,500,000	-0-
192.	Upgrade Operating Room Suites II - Hospital			
	Restricted Funds	-0-	12,162,000	-0-
193.	Replace AHU I - Hospital			
	Restricted Funds	-0-	15,553,000	-0-
194.	Replace AHU I - Roach			
	Restricted Funds	-0-	1,000,000	-0-
195.	Replace AHU II - Roach			
	Restricted Funds	-0-	1,000,000	-0-
196.	Construct Cancer Hospice Facility - Hospital			
	Restricted Funds	-0-	4,000,000	-0-
197.	Construct Cancer Education Facility - Hospital			
	Restricted Funds	-0-	2,000,000	-0-
198.	Construct Cancer Infusion Suites - Hospital			
	Restricted Funds	-0-	5,590,000	-0-
199.	Construct Remote Cancer Clinic - Hospital			

	Restricted Funds	-0-	12,500,000	-0-
200.	Construct Physicians Svcs. Facilities - Hospital			
	Restricted Funds	-0-	2,000,000	-0-
201.	Upgrade Emergency Services II - Hospital			
	Restricted Funds	-0-	12,000,000	-0-
202.	Upgrade Information Systems Svcs. - Hospital			
	Restricted Funds	-0-	3,467,000	-0-
203.	Upgrade Diagnostic Radiology - Hospital			
	Restricted Funds	-0-	3,000,000	-0-
204.	Upgrade Communication Svs. - Hospital			
	Restricted Funds	-0-	1,000,000	-0-
205.	Construct Business Facility II - Hospital			
	Restricted Funds	-0-	10,840,000	-0-
206.	Construct Outpt. Care Facility II - Hospital			
	Restricted Funds	-0-	8,148,000	-0-
207.	Construct Bldg. Connectors III - Hospital			
	Restricted Funds	-0-	3,047,000	-0-
208.	Construct Primary Care Center II - Hospital			
	Restricted Funds	-0-	13,017,000	-0-
209.	Construct Patient Care Facility II - Hospital			
	Restricted Funds	-0-	11,477,000	-0-
210.	Upgrade Nutrition Services II - Hospital			
	Restricted Funds	-0-	1,000,000	-0-
211.	Upgrade Support Services II - Hospital			
	Restricted Funds	-0-	1,000,000	-0-
212.	Expand Data Systems III - Hospital			
	Restricted Funds	-0-	700,000	-0-
213.	Implement Land Use Plan IV - Hospital			
	Restricted Funds	-0-	2,500,000	-0-
214.	Upgrade Diagnostic Services XII - Hospital			
	Restricted Funds	-0-	1,000,000	-0-
215.	Construct Outpatient Svs. III - Hospital			
	Restricted Funds	-0-	8,004,000	-0-
216.	Upgrade Diagnostic Services XI - Hospital			
	Restricted Funds	-0-	1,500,000	-0-
217.	Renovate Medical Records Suite I - Hospital			
	Restricted Funds	-0-	566,000	-0-
218.	Guaranteed Energy Savings Project			
219.	Purchase Patient System Enterprise			
	Restricted Funds	-0-	4,640,000	-0-
220.	Purchase Upgrade for Servers			
	Restricted Funds	-0-	800,000	-0-
221.	Purchase Upgrade - HIS Computing Facility			
	Restricted Funds	-0-	2,900,000	-0-
222.	Purchase Clinical System Enterprise			
	Restricted Funds	-0-	5,800,000	-0-
223.	Purchase Computing Infrastructure Update			
	Restricted Funds	-0-	2,500,000	-0-

224.	Purchase Data Storage Facility Upgrade			
	Restricted Funds	-0-	750,000	-0-
225.	Purchase Dig. Medical Record Expansion			
	Restricted Funds	-0-	4,640,000	-0-
226.	Purchase Managed Care Enterprise			
	Restricted Funds	-0-	1,160,000	-0-
227.	Purchase Data Storage Equipment & Software I			
	Restricted Funds	-0-	500,000	-0-
228.	Purchase Telecommunications Equipment I			
	Restricted Funds	-0-	250,000	-0-
229.	Purchase PACS Data Storage Equipment & Software			
	Restricted Funds	-0-	500,000	-0-
230.	Purchase IS Security Equipment I			
	Restricted Funds	-0-	150,000	-0-
231.	Purchase Data Center Printers I			
	Restricted Funds	-0-	350,000	-0-
232.	Purchase Data Storage Equipment & Software II			
	Restricted Funds	-0-	250,000	-0-
233.	Purchase Telecommunications Equipment II			
	Restricted Funds	-0-	200,000	-0-
234.	Purchase Mainframe Computer			
	Restricted Funds	-0-	400,000	-0-
235.	Purchase IS Security Equipment II			
	Restricted Funds	-0-	150,000	-0-
236.	Purchase Data Center Printers II			
	Restricted Funds	-0-	300,000	-0-
237.	Purchase Knowledge-based Transcription			
	Restricted Funds	-0-	450,000	-0-
238.	Purchase Knowledge-based Charting System			
	Restricted Funds	-0-	400,000	-0-
239.	Purchase Consumer Web Interaction System			
	Restricted Funds	-0-	400,000	-0-
240.	Purchase Data Storage Equipment & Software III			
	Restricted Funds	-0-	150,000	-0-
241.	Purchase Telecommunications Equipment III			
	Restricted Funds	-0-	150,000	-0-
242.	Renovate /Expand Boone Faculty Center			
	Other Funds	-0-	3,800,000	-0-
243.	Renovate Gillis Building			
	Restricted Funds	-0-	950,000	-0-
244.	Renovate IRIS Project Facility			
	Restricted Funds	-0-	1,035,000	-0-
245.	Purchase Dentistry Patient Management Software			
	Restricted Funds	-0-	1,650,000	-0-
246.	Construct Patient Bed Tower, Phase I - Hospital			
	Agency Bonds	-0-	25,000,000	-0-
	Restricted Funds	-0-	25,000,000	-0-

TOTAL	-0-	50,000,000	-0-

(1) Agency Bonds: Agency Bonds authorized for the University of Kentucky Patient Bed Tower may be issued bearing interest at fixed or variable rates and may be sold by competitive or negotiated sale.

9. UNIVERSITY OF LOUISVILLE

001.	Major Item of Equipment Pool			
	Restricted Funds	-0-	12,154,000	-0-
002.	Construct - HSC Research Facility, Phase III			
	Restricted Funds	-0-	12,000,000	-0-
	Bond Funds	-0-	19,000,000	-0-
	Agency Bonds	-0-	45,173,000	-0-
	TOTAL	-0-	76,173,000	-0-

(1) Construct - HSC Research Facility, Phase III: A portion of the General Fund supported bonds may be made available to the University for the above project prior to the issuance of the Agency Bonds and after the submission of a letter of request by the University President to, and acceptance by, the Secretary of the Finance and Administration Cabinet. The letter shall include an affirmation of the University's intent to proceed with the issuance of Agency Bonds prior to submitting its budget request for the 2006-2008. Full access to the state bond funds may be made available to the project upon the approval by the Secretary of the Finance and Administration Cabinet of a plan of action submitted by the University, including a financial plan and timeline for the issuance of the Agency Bonds, at any time prior to November 15, 2005.

003.	Renovate Capital Renewal Pool			
	Restricted Funds	-0-	13,746,000	-0-
004.	Renovate Code Improvement Pool			
	Restricted Funds	-0-	3,191,000	-0-
005.	Guaranteed Energy Savings Project			
006.	Renovate Shelby Campus Infrastructure			
	Restricted Funds	-0-	8,740,000	-0-
007.	Renovate Student Serv. Bldg. - Houchens, Ph II			
	Restricted Funds	-0-	6,302,000	-0-
008.	Renovate Medical Dental Res. Building, Phase IV			
	Agency Bonds	-0-	17,986,000	-0-
009.	Renovate Chemistry Fume Hood Redesign, Ph II			
	Restricted Funds	-0-	4,198,000	-0-
010.	Expand Oppenheimer Hall for Social Work			
	Reauthorization ($5,450,000 Restricted Funds)			
011.	Purchase Digital Communications System			
	Restricted Funds	-0-	1,000,000	1,000,000
012.	Purchase Networking System			
	Restricted Funds	-0-	1,500,000	1,500,000
013.	Renovate Natural Science Building			
	Restricted Funds	-0-	11,890,000	-0-
014.	Purchase CPU System			
	Restricted Funds	-0-	460,000	-0-
015.	Purchase Enhanced Library System Software			
	Restricted Funds	-0-	250,000	-0-

016.	Purchase PCs, Printers, Laptops			
	Restricted Funds	-0-	149,000	-0-
017.	Purchase Support Service Land (NE Quad)			
	Restricted Funds	-0-	4,632,000	-0-
018.	Purchase Electronic Research Information System			
	Restricted Funds	-0-	1,080,000	-0-
019.	Renovate Dental Clinics - First Floor			
	Restricted Funds	-0-	8,614,000	-0-
020.	Purchase Artificial Turf - Practice Field Facility			
	Restricted Funds	-0-	750,000	-0-
021.	Purchase Computer Processing System			
	Restricted Funds	-0-	1,800,000	200,000
022.	Purchase Storage System			
	Restricted Funds	-0-	600,000	400,000
023.	Purchase Enterprise Application System			
	Restricted Funds	-0-	1,000,000	1,000,000
024.	Digital Output System			
	Restricted Funds	-0-	500,000	500,000
025.	Visualization System			
	Restricted Funds	-0-	500,000	500,000
026.	Construct Res. Hall, 276 Beds, Ph. III, Com. Park			
	Restricted Funds	-0-	-0-	10,180,000
027.	Renovate Medical School Tower-55A, Phase I			
	Agency Bonds	-0-	3,841,000	-0-
028.	Expand Ambulatory Care Bldg. Academic Addition			
	Restricted Funds	-0-	39,872,000	-0-
029.	Purchase Real Estate Near HSC & Ren. Offices			
	Restricted Funds	-0-	20,500,000	-0-
030.	Renovate & Purchase Home of the Innocents Property			
	Restricted Funds	-0-	7,301,000	-0-
031.	Construct Utilities, Remove Overhead Lines			
	Restricted Funds	-0-	-0-	2,957,000
032.	Renovate Housing - Capital Renewal Pool			
	Restricted Funds	-0-	2,476,000	-0-
033.	Renovate Housing - Code Improvements Pool			
	Restricted Funds	-0-	709,000	-0-
034.	Construct Diversity Center for Excellence			
	Restricted Funds	-0-	-0-	5,434,000
035.	Jefferson County - Lease			
036.	Cardiovascular Innovation Institute			

	Restricted Funds	-0-	28,120,000	-0-
	Federal Funds	-0-	2,780,000	-0-
	TOTAL	-0-	30,900,000	-0-
10.	**WESTERN KENTUCKY UNIVERSITY**			
001.	Math and Science Academy Renovation			
	Restricted Funds	-0-	3,500,000	-0-
	Bond Funds	-0-	2,500,000	-0-
	Agency Bonds	-0-	4,000,000	-0-
	TOTAL	-0-	10,000,000	-0-
002.	Renovate Science Campus - Phase II			
	Bond Funds	-0-	27,000,000	-0-
003.	Repair Mold/Moisture Damage			
	Restricted Funds	-0-	1,612,000	-0-
004.	Renovate Electrical Distribution - Phase V			
	Restricted Funds	-0-	3,747,000	-0-
005.	Renovate Central Heat Plant - Phase I			
	Reauthorization ($1,273,000 Restricted Funds)			
006.	Life Safety, Center for Research and Development			
	Restricted Funds	-0-	500,000	-0-
007.	Purchase Buses/Construct Bus Transportation Center			
	Restricted Funds	-0-	4,000,000	-0-
008.	Prepare IT Infrastructure			
	Restricted Funds	-0-	3,000,000	-0-
009.	Guaranteed Energy Savings Project			
010.	Construct Radio and Television Transmission Tower			
	Restricted Funds	-0-	615,000	-0-
011.	Purchase Digital Television Transmission System			
	Reauthorization ($1,993,000 Restricted Funds, $1,328,000 Federal Funds)			
012.	Purchase Property for Campus Expansion and Construct Parking Lot			
	Restricted Funds	-0-	3,000,000	-0-
013.	Construct Academic-Athletic Performance Center			
	Restricted Funds	-0-	9,000,000	-0-
014.	Acquire Video Server			
	Restricted Funds	-0-	800,000	-0-
015.	Expand Campus Network - Phase II			
	Restricted Funds	-0-	785,000	-0-
016.	Secure Network Log-On System			
	Restricted Funds	-0-	800,000	-0-
017.	Replace Server			
	Reauthorization ($880,000 Restricted Funds)			
018.	Center KY Regional Postsecondary Education Center, Phase II, Design			
	Restricted Funds	-0-	1,625,000	-0-
019.	Renovate Grise Hall - Design			
	Restricted Funds	-0-	1,398,000	-0-
020.	Implement Wireless Communication System			
	Restricted Funds	-0-	2,000,000	-0-
021.	Renovate Garrett Conference Center - Design			

	Reauthorization ($858,000 Restricted Funds)			
022.	Renovate Academic Athletic #2, Design			
	Restricted Funds	-0-	2,000,000	-0-
023.	Downing University Center Dining Renovation Phase II/Other Dining Improvements			
	Other Funds	-0-	2,000,000	-0-
024.	Van Meter Overlook Project			
	Other Funds	-0-	800,000	-0-
025.	Academic Athletic Complex #2 LT Smith Stadium			
	Restricted Funds	-0-	35,000,000	-0-
026.	Renovate and Expand Preston Center			
	Restricted Funds	-0-	5,000,000	-0-
027.	Design and Construct Student Publications Facility			
	Restricted Funds	-0-	1,000,000	-0-
028.	Renovate Van Meter Hall			
	Restricted Funds	-0-	15,000,000	-0-
11.	**KENTUCKY COMMUNITY AND TECHNICAL COLLEGE SYSTEM (KCTCS)**			
001.	Gateway CTC-Expand Edgewood Campus			
	Bond Funds	-0-	14,070,000	-0-
	Restricted Funds	-0-	1,000,000	-0-
	TOTAL	-0-	15,070,000	-0-
002.	Warren County Technology Center			
	Bond Funds	5,500,000	-0-	-0-
003.	Capital Renewal and Deferred Maintenance Pool			
	Restricted Funds	-0-	5,240,000	-0-
004.	Ashland Community Technology Center			
	Bond Funds	-0-	12,066,000	-0-
	Restricted Funds	-0-	1,000,000	-0-
	TOTAL	-0-	13,066,000	-0-
005.	Construct Owensboro Advanced Technology Center			
	Bond Funds	-0-	13,088,000	-0-
	Restricted Funds	-0-	1,000,000	-0-
	TOTAL	-0-	14,088,000	-0-
006.	Construct Technology Building, Madisonville CC			
	Restricted Funds	-0-	5,000,000	-0-
	Bond Funds	-0-	12,000,000	-0-
	TOTAL	-0-	17,000,000	-0-
007.	Construct Franklin/Simpson Technology Center			
	Bond Funds	-0-	12,000,000	-0-
008.	Renovate Aircraft Maintenance Lab, Somerset CC, South Campus			
	Bond Funds	-0-	1,500,000	-0-
009.	KCTCS Information Tech Infrastructure			

	Upgrade			
	Restricted Funds	-0-	12,000,000	-0-
010.	Renovate HVAC Syst. SE Campus, Owensboro C&TC			
	Restricted Funds	-0-	625,000	-0-
011.	Construct Area 9 Training Bldg. State Fire & Rescue			
	Restricted Funds	-0-	537,000	-0-
012.	Property Acquisition Pool			
	Restricted Funds	-0-	1,100,000	-0-
013.	Install Sprinkler Systems, West Ky. C&TC			
	Restricted Funds	-0-	600,000	-0-
014.	Repairs to Allied Health Bldg. West Ky. C&TC			
	Restricted Funds	-0-	750,000	-0-
015.	Renovate HVAC System - Strunk Bldg., Somerset CC			
	Restricted Funds	-0-	894,000	-0-
016.	Renovate HVAC System - Meece Bldg., Somerset CC			
	Restricted Funds	-0-	859,000	-0-
017.	Purchase Diagnostic Medical Sonography Unit			
	Restricted Funds	-0-	110,000	-0-
018.	Guaranteed Energy Savings Project			
019.	Henderson CC - Lease for Applied Technology Program			
020.	Jefferson CC - Jefferson Education Center Lease			
021.	System Office - Lease-Purchase with the City of Versailles			
022.	Multi-Engine Aircraft - Somerset CC			
	Restricted Funds	-0-	575,000	-0-
023.	Henderson CC Tri-County Technical Center			
	Bond Funds	-0-	13,066,000	-0-

K. TRANSPORTATION CABINET

Budget Units		2004-05	2005-06
1.	**GENERAL ADMINISTRATION AND SUPPORT**		
001.	Overhead Doors and Emergency Repair		
	Road Fund	200,000	200,000
002.	Construction or Repair Salt Structure		
	Road Fund	250,000	250,000
003.	Remove Hazardous Materials		
	Road Fund	50,000	50,000
004.	Building Renovation and Emergency Repairs		
	Road Fund	420,000	420,000
005.	Pro. Management (PRECON/6 YR Plan)		
	Road Fund	2,000,000	-0-
006.	Construct Louisville District Office		
	Road Fund	5,950,000	-0-
007.	Address Water and Wastewater		
	Road Fund	100,000	100,000

008.	Painting and Roof Repair or Replacement		
	Road Fund	219,000	218,000
009.	Road Maintenance Parks		
	Road Fund	1,500,000	1,500,000
010.	Conduct Paving and Landscaping		
	Road Fund	50,000	50,000
011.	Repair Loadometer and Rest Areas		
	Road Fund	460,000	460,000
012.	Various Environmental Compliance		
	Road Fund	1,000,000	1,000,000

L. COAL SEVERANCE TAX PROJECTS

(1) **Projects Authorization and Appropriation:** Notwithstanding KRS 42.4588(2) and (4), the following projects are authorized and appropriated from Local Government Economic Development Fund moneys from the respective single county fund pursuant to KRS 42.4592 for public purposes in the following coal-producing counties in the manner and amounts enumerated. These projects are determined by the General Assembly to be important to the furtherance of the public policy objectives and economic development purposes for which the Local Government Economic Development Program was established. The amounts appropriated are estimates. Actual expenditures and encumbrances shall be limited to the actual receipts realized and available in the respective single county fund. These amounts are comprised of estimated receipts for fiscal year 2004-2005 and fiscal year 2005-2006 in combination with prior unobligated balances in the respective single county funds. To the extent that a county that is authorized to proceed with a project enumerated below receives more single county Local Government Economic Development Fund moneys than are appropriated in this Act, the county may direct those funds to offset a cost overrun on any of the projects enumerated below upon approval of the Commissioner of the Coal County Development Office.

(2) **Water and Sewer Projects:** The following projects that are related to water and sewer shall be administered by the Kentucky Infrastructure Authority.

1. GENERAL GOVERNMENT

	Budget Unit	**2004-05**	**2005-06**
a.	**Local Government**		
Bell County			
001.	Bell County Fiscal Court - 1st Tee Program - Operating		
	Restricted Funds	2,500	2,500
002.	Bell County Fiscal Court - Bell County Health Department - Operations		
	Restricted Funds	5,000	5,000
003.	Bell County Fiscal Court - Bell County Public Library - Operations		
	Restricted Funds	5,000	5,000
004.	Bell County Fiscal Court - City of Middlesboro - Water and/or Other Projects		
	Restricted Funds	100,000	100,000
005.	Bell County Fiscal Court - City of Pineville - Water and /or Other Projects		
	Restricted Funds	50,000	50,000
006.	Bell County Fiscal Court - Frakes Volunteer Fire Department - Operations and Equipment		
	Restricted Funds	5,000	5,000
007.	Bell County Fiscal Court - History Museum - Operations		
	Restricted Funds	5,000	5,000
008.	Bell County Fiscal Court - Interfaith of Bell County - Operations for Homeless Shelter		
	Restricted Funds	2,500	2,500
009.	Bell County Fiscal Court - Lighthouse Mission - Operations for Food, Clothing, Pantry and Medical Clinic		

	Restricted Funds	10,000	10,000
010.	Bell County Fiscal Court - P38 Musuem - Operations		
	Restricted Funds	15,000	15,000
011.	Bell County Fiscal Court - Rescue Squad - Operations and Equipment		
	Restricted Funds	5,000	5,000
012.	Bell County Fiscal Court - Sheriffs Department - Operations and Equipment		
	Restricted Funds	10,000	10,000
013.	Bell County Fiscal Court - Water and/or Other Projects		
	Restricted Funds	650,000	650,000

Boyd County

001.	Ashland Board of Education - Construction and Facility Improvements		
	Restricted Funds	27,500	-0-
002.	Ashland School District - Charles Russell Elementary - Equipment, Building and Ground Improvements		
	Restricted Funds	5,000	-0-
003.	Boyd County Board of Education - Boyd County High School - New Construction, Facility and Ground Improvements		
	Restricted Funds	-0-	62,722
004.	Boyd County Board of Education - Boyd County Middle School - Construction and Facility Improvements		
	Restricted Funds	20,000	-0-
005.	Boyd County Fiscal Court - Boyd County Fair - Building and Ground Improvements		
	Restricted Funds	10,000	-0-
006.	Boyd County Fiscal Court - Hopes Place Building - Improvements		
	Restricted Funds	10,000	-0-
007.	Boyd County Fiscal Court - Infrastructure, County Facilites and Ground Improvements		
	Restricted Funds	20,828	-0-
008.	Boyd County Fiscal Court - Safe Harbor Building Improvements		
	Restricted Funds	10,000	-0-
009.	City of Catlettsburg - Infrastructure Improvements		
	Restricted Funds	25,000	-0-
010.	Fairview Independent Board of Education - Construction and Facility Improvements		
	Restricted Funds	27,500	-0-
011.	Boyd County Fiscal Court - John Mayo Amphitheater at Armco Park		
	Restricted Funds	-0-	25,000

Breathitt County

001.	Breathitt County Fiscal Court - Breathitt County Life Skills Center - Operating		
	Restricted Funds	75,000	75,000
002.	Breathitt County Fiscal Court - Breathitt County Inter-Generation Center - Operating		
	Restricted Funds	275,000	275,000

Butler County

001.	Butler County Fiscal Court - Fire Departments - Equipment, Improvements, and Operating		
	Restricted Funds	104,149	-0-
Carter County			
001.	Carter County Fiscal Court - Carter Search and Rescue - Equipment		
	Restricted Funds	5,000	-0-
002.	Carter County Fiscal Court - Fire Departments - Equipment		
	Restricted Funds	50,000	-0-
003.	Carter County Fiscal Court - Park Development		
	Restricted Funds	10,000	-0-
004.	Carter County Fiscal Court - Skatepark Design and Feasibility Study		
	Restricted Funds	5,000	-0-
005.	Carter County Fiscal Court - Someday Outdoor Drama - Operations/Equipment/Improvements		
	Restricted Funds	5,000	-0-
006.	Grayson City Council - Parks and Recreation - Improvements and Equipment		
	Restricted Funds	25,000	-0-
007.	Olive Hill City Council - Downtown Beautification and Economic Development		
	Restricted Funds	25,000	-0-
Christian County			
001.	Christian County Fiscal Court - Water Line Expansion Funds		
	Restricted Funds	100,000	100,000
Clay County			
001.	Clay County Fiscal Court - Administrative Building - Improvements		
	Restricted Funds	233,576	153,155
002.	Clay County Fiscal Court - Divided Between Ten Fire Departments - Equipment		
	Restricted Funds	30,000	-0-
Daviess County			
001.	Daviss County Fiscal Court - Kentucky Highway 144 - Road Safety and Improvement Project		
	Restricted Funds	140,597	-0-
Elliott County			
001.	Elliott County Fiscal Court - 504 Fire Department - Construction		
	Restricted Funds	10,000	20,000
002.	City of Sandy Hook - Downtown Beautification, Sidewalk and Street Repairs		
	Restricted Funds	15,000	5,000
003.	Elliott County Board of Education - Building and Ground Improvements - Program and Curriculum Enhancements		
	Restricted Funds	35,000	35,000
004.	Elliott County Board of Education - Elliott County Public Library - Curriculum, Program and Equipment Enhancements		
	Restricted Funds	17,349	10,983
005.	Elliott County Fiscal Court - Citco Fire Department - Construction		

	and Equipment		
	Restricted Funds	10,000	10,000
006.	Elliott County Fiscal Court - Elliott County Ambulance Service - Equipment		
	Restricted Funds	10,000	-0-
007.	Elliott County Fiscal Court - Isonville Fire Department - Equipment and Improvements		
	Restricted Funds	10,000	10,000
Floyd County			
001.	City of Martin - Flood Control		
	Restricted Funds	20,000	20,000
002.	Floyd County Fiscal Court - Water and Sewer Lines		
	Restricted Funds	25,000	25,000
003.	Floyd County Fiscal Court - Court House Renovation		
	Restricted Funds	100,000	-0-
004.	Floyd County Fiscal Court - Economic Development Initiatives		
	Restricted Funds	250,000	60,000
005.	Floyd County Fiscal Court - Elkhorn Education Project - Minnie		
	Restricted Funds	15,000	15,000
006.	Floyd County Fiscal Court - Fire Departments (17) - Equipment and Operations		
	Restricted Funds	37,500	37,500
007.	Floyd County Fiscal Court - Fire Hydrant and Saddles		
	Restricted Funds	50,000	-0-
008.	Floyd County Fiscal Court - Jenny Wiley Recreation Area or Bond Reduction		
	Restricted Funds	-0-	700,000
009.	Floyd County Fiscal Court - Martin Community Center Drug Prevention - Operating		
	Restricted Funds	-0-	30,000
010.	Floyd County Fiscal Court - Mountain Top Recreation - Operating		
	Restricted Funds	125,000	75,000
011.	Floyd County Fiscal Court - Park Improvements		
	Restricted Funds	125,000	75,000
012.	Floyd County Fiscal Court - Senior Citizens Centers - Operating		
	Restricted Funds	56,000	56,000
013.	Floyd County Fiscal Court - Stabilization Mountain Top Structure for Economic Development		
	Restricted Funds	50,000	-0-
014.	Floyd County Fiscal Court - Water Line Extensions		
	Restricted Funds	50,000	-0-
015.	Floyd County Fiscal Court - Wet Tap Machine (Water Lines)		
	Restricted Funds	7,500	-0-
Greenup County			
001.	City of Flatwoods - Flatwoods Fire Department - Equipment		
	Restricted Funds	5,000	-0-

002.	City of Greenup - Greenup Fire Department - Equipment		
	Restricted Funds	5,000	-0-
003.	City of Raceland - Raceland Fire Department - Equipment		
	Restricted Funds	5,000	-0-
004.	City of Russell - Russell Volunteer Fire Department - Equipment		
	Restricted Funds	5,000	-0-
005.	City of South Shore - South Shore Volunteer Fire Department - Equipment		
	Restricted Funds	5,000	-0-
006.	City of South Shore - Study and Engineering for Expansion of Sewer System		
	Restricted Funds	20,000	-0-
007.	City of Worthington - Worthington Fire Department - Equipment		
	Restricted Funds	5,000	-0-
008.	City of Wurtland - Wurtland Fire Department - Equipment		
	Restricted Funds	5,000	-0-
009.	Greenbo Lake State Resort Park - Planning and Design of Cabins		
	Restricted Funds	-0-	15,000
010.	Greenup County Fair Board - Improvements		
	Restricted Funds	-0-	8,000
011.	Greenup County Fiscal Court - Amphitheatre at Greenbo Lake State Resort Park - Improvements		
	Restricted Funds	35,000	-0-
012.	Greenup County Fiscal Court - Boat Docks and Canoe Put-ins		
	Restricted Funds	47,000	-0-
013.	Greenup County Fiscal Court - Greenup County High School - Improvements		
	Restricted Funds	-0-	4,955
014.	Greenup County Fiscal Court - Greenup County Adult Education - Operating		
	Restricted Funds	-0-	800
015.	Greenup County Fiscal Court - Guardrail on State Route 2070		
	Restricted Funds	20,000	-0-
016.	Greenup County Fiscal Court - Little Sandy Volunteer Fire Department - Equipment		
	Restricted Funds	5,000	-0-
017.	Greenup County Fiscal Court - Lloyd Volunteer Fire Department - Equipment		
	Restricted Funds	5,000	-0-
018.	Greenup County Fiscal Court - Load Fire Department - Equipment		
	Restricted Funds	5,000	-0-
019.	Greenup County Fiscal Court - Malonton Fire Department - Equipment		
	Restricted Funds	5,000	-0-
020.	Greenup County Fiscal Court - Oldtown Volunteer Fire Department - Equipment		

	Restricted Funds	5,000	-0-
021.	Greenup County Fiscal Court - Paving, Blacktop and Road Repair		
	Restricted Funds	-0-	20,000
022.	Greenup County Fiscal Court - Raceland-Worthington High School - Improvements		
	Restricted Funds	-0-	4,955
023.	Greenup County Fiscal Court - Russell High School - Improvements		
	Restricted Funds	-0-	4,955
024.	Greenup County Fiscal Court - Welcome to Greenup County Sign on Industrial Parkway		
	Restricted Funds	-0-	4,200
025.	Greenup County Tourism Commission - Welcome Sign on US 23 near KY side of US Grant Bridge		
	Restricted Funds	5,000	-0-
Harlan County			
001.	Harlan County Fiscal Court - $5,000 for Each Existing Volunteer Fire Department - Operations/Equipment		
	Restricted Funds	-0-	65,000
002.	Harlan County Fiscal Court - $5,000 for Each Rescue Squad for Operations/Equipment		
	Restricted Funds	10,000	10,000
003.	Harlan County Fiscal Court - ARH Indigent Program - Operations		
	Restricted Funds	-0-	100,000
004.	Harlan County Fiscal Court - Bledsoe - Green Hill Water Expansion		
	Restricted Funds	-0-	100,000
005.	Harlan County Fiscal Court - Bledsoe Community Center - Operations/Improvements		
	Restricted Funds	20,000	-0-
006.	Harlan County Fiscal Court - Building and Equipment		
	Restricted Funds	100,000	80,000
007.	Harlan County Fiscal Court - Camp Blanton Repairs/Improvements		
	Restricted Funds	30,000	25,000
008.	Harlan County Fiscal Court - Cawood Ledford Boys and Girls Club - Operations/Equipment		
	Restricted Funds	-0-	54,165
009.	Harlan County Fiscal Court - City of Cumberland - Operations and Equipment		
	Restricted Funds	45,000	25,000
010.	Harlan County Fiscal Court - City of Evarts - Operations/Equipment		
	Restricted Funds	20,000	25,000
011.	Harlan County Fiscal Court - City of Harlan - Inspection, Extension, and Repair Sewer - Downtown and Grays Knob		
	Restricted Funds	200,000	100,000
012.	Harlan County Fiscal Court - City of Harlan - Operations/Equipment		
	Restricted Funds	-0-	35,000

013.	Harlan County Fiscal Court - City of Loyall - City Improvements/Park and Operations Center of Harlan		
	Restricted Funds	15,000	15,000
014.	Harlan County Fiscal Court - City of Lynch - Operations/Equipment/Sewers		
	Restricted Funds	70,000	25,000
015.	Harlan County Fiscal Court - Cumberland River Comprehensive Care - Operations/Equipment		
	Restricted Funds	-0-	100,000
016.	Harlan County Fiscal Court - Harlan County Drug Rehab - Operations		
	Restricted Funds	-0-	40,000
017.	Harlan County Fiscal Court - Harlan County Tourism - Operating		
	Restricted Funds	75,000	50,000
018.	Harlan County Fiscal Court - Harlan County Utility District Formation		
	Restricted Funds	75,000	50,000
019.	Harlan County Fiscal Court - Harlan Court Jail - Operating/Equipment/Improvements		
	Restricted Funds	200,000	300,000
020.	Harlan County Fiscal Court - Mountain Comp Health Care/Clinic		
	Restricted Funds	-0-	100,000
021.	Harlan County Fiscal Court - Old Courthouse Repairs		
	Restricted Funds	50,000	50,000
022.	Harlan County Fiscal Court - Pathfork Park - Improvements		
	Restricted Funds	5,000	5,000
023.	Harlan County Fiscal Court - Senior Citizens Center - Expansion of Service and Repairs		
	Restricted Funds	50,000	40,000
024.	Harlan County Fiscal Court - Water Line Expansion - Pathfork, Cranks and Day Branch		
	Restricted Funds	500,000	-0-
025.	Harlan County Fiscal Court for Southeast Community College Foundation - Improvements Portal 31/Golf Course/Benham Inn		
	Restricted Funds	100,000	150,000
Henderson County			
001.	Henderson County Fiscal Court - Construction Multi-Purpose Pole Barn		
	Restricted Funds	131,129	131,129
002.	Henderson County Fiscal Court - Henderson County Airport - Purchase of Snow Removal Equipment		
	Restricted Funds	15,000	15,000
003.	Henderson County Fiscal Court - Henderson County Fair Grounds - Construction Bathroom and Shelter		
	Restricted Funds	75,000	75,000
004.	Henderson County Fiscal Court - Henderson County Riverport - Asphalt and Drainage System and Hold Area		
	Restricted Funds	25,000	25,000
Hopkins County			

001.	City of Dawson Springs - Darby House Transportation Museum and Welcome Center		
	Restricted Funds	80,000	-0-
002.	City of Earlington - Sidewalk Project		
	Restricted Funds	200,000	-0-
003.	City of Hanson - Parking Lot Project		
	Restricted Funds	50,000	-0-
004.	City of Mortons Gap - Sidewalk Project		
	Restricted Funds	20,000	-0-
005.	City of Nebo - City Hall/Community Center Project		
	Restricted Funds	60,000	-0-
006.	City of Nortonville - City Hall/Museum - Renovations		
	Restricted Funds	100,000	-0-
007.	City of St. Charles - Community Park/Recreation Area		
	Restricted Funds	10,000	-0-
008.	City of White Plains - Municipal Building Project		
	Restricted Funds	200,000	-0-
009.	Hopkins County Fiscal Court - Economic Development Land Acquisition Project		
	Restricted Funds	530,000	-0-
010.	Hopkins County Fiscal Court - Geographic Information Systems Project		
	Restricted Funds	105,000	-0-
011.	Hopkins County Fiscal Court - Government Center - Roof Repair		
	Restricted Funds	75,000	-0-
012.	Hopkins County Fiscal Court - Volunteer Fire Departments		
	Restricted Funds	70,000	-0-
013.	Pennyrile Allied Community Services - Expansion and Renovation of Regional Senior Citizens Center in Madisonville		
	Restricted Funds	400,000	-0-
Jackson County			
001.	Jackson County Fiscal Court - Equipment Purchase		
	Restricted Funds	19,080	32,713
002.	Jackson County Fiscal Court - Kelly Road Water Lines		
	Restricted Funds	16,518	-0-
Johnson County			
001.	Johnson County Fiscal Court - Fire Departments for Equipment Purchases		
	Restricted Funds	35,000	35,000
002.	Johnson County Fiscal Court - Johnson County Sheriff's Department - Equipment Purchase		
	Restricted Funds	120,000	-0-
Knott County			
001.	Knott County Fiscal Court - Ball Creek Park - Improvements, Equipment, and Operating		
	Restricted Funds	10,000	10,000
002.	Knott County Fiscal Court - Ball Creek Volunteer Fire Department - Equipment, Operating, and Improvements		
	Restricted Funds	10,000	10,000

003.	Knott County Fiscal Court - Beaver Park - Lights, Restrooms and Concessions		
	Restricted Funds	200,000	-0-
004.	Knott County Fiscal Court - Carr Fork Volunteer Fire Department - Equipment, Improvements, Operating		
	Restricted Funds	10,000	10,000
005.	Knott County Fiscal Court - Dry Creek Park - Improvements and Equipment		
	Restricted Funds	5,000	5,000
006.	Knott County Fiscal Court - Fisty Volunteer Fire Department - Equipment, Operating, Improvements		
	Restricted Funds	10,000	10,000
007.	Knott County Fiscal Court - Hindman Park - Improvements and Equipment		
	Restricted Funds	10,000	10,000
008.	Knott County Fiscal Court - Hindman Volunteer Fire Department - Equipment, Operating, Improvements		
	Restricted Funds	10,000	10,000
009.	Knott County Fiscal Court - Jones Fork Park - Improvements and Equipment		
	Restricted Funds	10,000	10,000
010.	Knott County Fiscal Court - Jones Fork Volunteer Fire Department - Equipment, Operating and Improvements		
	Restricted Funds	10,000	10,000
011.	Knott County Fiscal Court - KDAC, Inc. - Purchase of Office Equipment		
	Restricted Funds	5,000	-0-
012.	Knott County Fiscal Court - Kite Park - Improvements and Equipment		
	Restricted Funds	10,000	10,000
013.	Knott County Fiscal Court - Kite Topmost Volunteer Fire Department - Equipment, Operating and Improvements		
	Restricted Funds	10,000	10,000
014.	Knott County Fiscal Court - Knott County Business Incubator - Operating, Improvements, Equipment		
	Restricted Funds	500,000	-0-
015.	Knott County Fiscal Court - Knott County Coroner Suburban - Radio Communication Equipment, Warning Lights, Stretcher and Equipment		
	Restricted Funds	39,180	-0-
016.	Knott County Fiscal Court - Knott County Emergency Rescue Squad and Fire Department - Equipment, Operating and Improvements		
	Restricted Funds	10,000	10,000
017.	Knott County Fiscal Court - Knott County Public Library - Operating, Equipment, Improvements		
	Restricted Funds	160,000	50,000
018.	Knott County Fiscal Court - Knott County Senior Citizens Center - Operating, Improvements, Equipment		
	Restricted Funds	56,000	-0-
019.	Knott County Fiscal Court - Knott County Youth Foundation, Inc - Operating and Improvements		
	Restricted Funds	250,000	75,000

020.	Knott County Fiscal Court - Lotts Creek Volunteer Fire Department - Equipment, Operating and Improvements		
	Restricted Funds	10,000	10,000
021.	Knott County Fiscal Court - Lotts Creek Water Line Completion		
	Restricted Funds	50,000	-0-
022.	Knott County Fiscal Court - Old Knott County Courthouse - Refurbishing		
	Restricted Funds	50,000	-0-
023.	Knott county Fiscal Court - Pippa Passes Volunteer Fire Department - Equipment, Operating and Improvements		
	Restricted Funds	10,000	10,000
024.	Knott County Fiscal Court - Red Fox Park - Improvements and Equipment		
	Restricted Funds	10,000	10,000
025.	Knott County Water and Sewer District - Ball Creek Water Project		
	Restricted Funds	-0-	427,960
026.	Knott County Water and Sewer District - Combs Branch Water Project		
	Restricted Funds	66,000	-0-
027.	Knott County Water and Sewer District - Irishman Creek Water Project (WX21119004)		
	Restricted Funds	-0-	500,000
Knox County			
001.	Knox County Utility Commission - Water Line Extensions		
	Restricted Funds	500,000	-0-
Laurel County			
001.	Laurel County Water District II - Sublimity		
	Restricted Funds	84,376	-0-
Lawrence County			
001.	City of Louisa - Downtown Beautification, Sidewalk, Street and City Park Improvements		
	Restricted Funds	47,000	-0-
002.	Lawrence County Board of Education - Facility and Ground Improvements - Refurbish Outdoor Facilities		
	Restricted Funds	100,000	-0-
003.	Lawrence County Fiscal Court - Blaine City Park - Various Construction, Equipment and Ground Improvements		
	Restricted Funds	25,000	-0-
004.	Lawrence County Fiscal Court - Chapman Park Improvements - Various Construction, Equipment and Ground Improvements		
	Restricted Funds	20,000	-0-
005.	Lawrence County Fiscal Court - Divided among Seven Fire Departments Equally - Equipment		
	Restricted Funds	-0-	70,000
006.	Lawrence County Fiscal Court - Economic Development & Tourism - Pleasant Ridge Park - Various Park Improvements, New Construction, Upgrades and Infrastructure		
	Restricted Funds	80,000	45,000
007.	Lawrence County Fiscal Court - Fallsburg Community Center -		

	Building and Ground Improvements		
	Restricted Funds	25,000	-0-
008.	Lawrence County Fiscal Court - Various Economic Development Projects, Water and Sewer, Industrial Site Upgrades and Improvements		
	Restricted Funds	-0-	90,206
Lee County			
001.	Lee County Fiscal Court - Ambulance Equipment		
	Restricted Funds	90,000	-0-
002.	Lee County Fiscal Court - Fire Department - Equipment		
	Restricted Funds	50,000	-0-
003.	Lee County Fiscal Court - Happy Top Development		
	Restricted Funds	170,000	-0-
004.	Lee County Fiscal Court - Pep, Inc. - Equipment		
	Restricted Funds	3,000	-0-
Leslie County			
001.	City of Hyden - Outdoor Classroom and Trash Receptacles		
	Restricted Funds	10,000	-0-
002.	Hyden-Leslie Water District - Grassy Water Line Extensions		
	Restricted Funds	582,747	-0-
003.	Hyden-Leslie Water District - Upgrade City of Hyden Transmission Mains		
	Restricted Funds	-0-	500,000
004.	Leslie County Fiscal Court - CREEK Center - Building Improvements		
	Restricted Funds	5,000	-0-
005.	Leslie County Fiscal Court - Cutshin Senior Citizens - Operating		
	Restricted Funds	-0-	100,000
006.	Leslie County Fiscal Court - Economic Development Property Acquisition/Property Development		
	Restricted Funds	-0-	427,322
007.	Leslie County Fiscal Court - Jail Renovation/Property Acquisition/ New Facility		
	Restricted Funds	500,000	-0-
008.	Leslie County Fiscal Court - Leslie County Community Development Center - Operating		
	Restricted Funds	90,000	90,000
009.	Leslie County Fiscal Court - Leslie County Drug Awareness - Operating		
	Restricted Funds	25,000	-0-
010.	Leslie County Fiscal Court - Leslie County History Museum - Operating		
	Restricted Funds	20,000	-0-
011.	Leslie County Fiscal Court - Leslie County Jail - Purchase of Two Vehicles		
	Restricted Funds	40,000	-0-
012.	Leslie County Fiscal Court - Leslie County Little League - Improvements		
	Restricted Funds	20,000	-0-
013.	Leslie County Fiscal Court - Leslie County Volunteer Fire		

	Department - Equipment		
	Restricted Funds	60,000	60,000
014.	Leslie County Fiscal Court - Mozelle Senior Citizens - Operating		
	Restricted Funds	25,000	-0-
015.	Leslie County Fiscal Court - Richard Nixon Center - Renovations		
	Restricted Funds	100,000	-0-
016.	Leslie County Fiscal Court - Transportation		
	Restricted Funds	533,103	50,000
017.	Leslie County Parks Board - Improvements, Equipment and Construction		
	Restricted Funds	50,000	-0-
018.	Leslie County Fiscal Court - Big Creek Volunteer Fire Department		
	Restricted Funds	10,000	-0-
019.	Leslie County Fiscal Court - Bledsoe Volunteer Fire Department		
	Restricted Funds	10,000	-0-
Letcher County			
001.	City of Blackey - For Recreation, Operation, Maintenance, and Improvements of City		
	Restricted Funds	20,000	20,000
002.	City of Jenkins - Downtown Revitalization Project Completion		
	Restricted Funds	90,000	-0-
003.	City of Jenkins - Jenkins Education Foundation - Operating and Equipment		
	Restricted Funds	-0-	70,000
004.	City of Whitesburg - Southeast Community College - Construction Allied Health Building		
	Restricted Funds	-0-	150,000
005.	Letcher County Fiscal Court - Campbell's Branch Community Center - Purchase Building from Letcher County Board of Education		
	Restricted Funds	220,000	-0-
006.	Letcher County Fiscal Court - Carcassonne Community Center - Heating, Windows, and Repairs to Building		
	Restricted Funds	20,000	20,000
007.	Letcher County Fiscal Court - Colson Fire Department - Purchase Pumper Truck and Equipment		
	Restricted Funds	100,000	10,000
008.	Letcher County Fiscal Court - Cowan Community Center - Improvements		
	Restricted Funds	30,000	30,000
009.	Letcher County Fiscal Court - Cumberland Mountain Arts and Crafts Council - Little Shepherd Amphitheater Project		
	Restricted Funds	20,000	20,000
010.	Letcher County Fiscal Court - Hemphill Community Center - Purchase Building from Letcher County Board of Education		
	Restricted Funds	120,000	-0-
011.	Letcher County Fiscal Court - Isom Park and Walking Track		

	Restricted Funds	50,000	25,000
012.	Letcher County Fiscal Court - Isom-Jeremiah Area Community Park and Recreation Facility		
	Restricted Funds	20,000	20,000
013.	Letcher County Fiscal Court - Jenkins Park and Baseball Field - Lighting and Improvements		
	Restricted Funds	100,000	-0-
014.	Letcher County Fiscal Court - Jenkins Tourism - Renovation of Old Jenkins High School		
	Restricted Funds	45,000	45,000
015.	Letcher County Fiscal Court - Letcher Area Athletic Complex		
	Restricted Funds	300,000	-0-
016.	Letcher County Fiscal Court - Letcher Co. Industrial Recruiter/Economic Development Coordinator		
	Restricted Funds	90,000	90,000
017.	Letcher County Fiscal Court - Letcher Co. Veterans Museum		
	Restricted Funds	25,000	25,000
018.	Letcher County Fiscal Court - Letcher County Parks and Recreation - Eolia Park		
	Restricted Funds	25,000	-0-
019.	Letcher County Fiscal Court - Letcher County Parks and Recreation - Thornton Park - Improvements		
	Restricted Funds	25,000	-0-
020.	Letcher County Fiscal Court - Letcher County Recreational Park - Whitesburg - Improvements/Infrastructure		
	Restricted Funds	35,000	34,000
021.	Letcher County Fiscal Court - Letcher County Volunteer Fire Departments - 10 Fire Department $20,000 Each		
	Restricted Funds	200,000	-0-
022.	Letcher County Fiscal Court - McRoberts and Jenkins Park - Playground Equipment		
	Restricted Funds	40,000	-0-
023.	Letcher County Fiscal Court - Neon Little League Field - Improvements and Equipment		
	Restricted Funds	25,000	-0-
024.	Letcher County Fiscal Court - Raven Rock Park - Purchase and Improvement		
	Restricted Funds	65,000	65,000
025.	Letcher County School Board - Kingdom Come Elementary - Support for Arts in Quiltmaking		
	Restricted Funds	2,500	2,500
026.	Letcher County Sheriff's Office - Purchase of Vehicles, Technology, Bulletproof Vests, Safety Equipment, and Firearms and Child ID Programs		
	Restricted Funds	60,000	-0-
027.	Letcher County Water and Sewer District - Crofts Colly Water Line Extension (WX21133200)		
	Restricted Funds	-0-	340,000
028.	Letcher County Water and Sewer District - Cumberland River Water Line Extension (WX21133500)		

	Restricted Funds	-0-	300,000
029.	Letcher County Water and Sewer District - Dry Fork Water Project		
	Restricted Funds	275,000	-0-
030.	Letcher County Water and Sewer District - Thorton Water Line Extension (WX21133008)		
	Restricted Funds	-0-	400,000
031.	Southeast Community College - Construction Academic/Technical Building - Whitesburg Campus		
	Restricted Funds	-0-	115,000

Magoffin County

001.	Magoffin County Fiscal Court - Bloomington Fire Department		
	Restricted Funds	25,000	25,000
002.	Magoffin County Fiscal Court - Lloyd M. Hall Community Center		
	Restricted Funds	139,000	150,000
003.	Magoffin County Fiscal Court - Magoffin County Sheriff's Department - Vehicle and Equipment Purchase		
	Restricted Funds	50,000	-0-
004.	Magoffin County Fiscal Court - Northern Magoffin Fire Department - Purchase Truck		
	Restricted Funds	43,300	-0-
005.	Magoffin County Fiscal Court - Northern Magoffin Fire Department		
	Restricted Funds	25,000	25,000
006.	Magoffin County Fiscal Court - REACH		
	Restricted Funds	15,000	15,000
007.	Magoffin County Fiscal Court - Royalton Fire Department, District 3		
	Restricted Funds	25,000	25,000
008.	Magoffin County Fiscal Court - Salyersville Fire Department		
	Restricted Funds	25,000	25,000
009.	Magoffin County Fiscal Court - TEEN SCENE		
	Restricted Funds	10,000	10,000
010.	Magoffin County Rescue Squad, Inc. - Northern Magoffin Fire Department		
	Restricted Funds	50,000	50,000

Martin County

001.	Martin County Fiscal Court - Warfield Veterans Memorial Monument - Design/Acquisition/Construction		
	Restricted Funds	10,000	-0-

McCreary County

001.	McCreary County Fiscal Court - McCreary County Industrial Park Development Local Match to EDA Application		
	Restricted Funds	170,000	-0-
002.	McCreary County Fiscal Court - McCreary County Recreational Park - Land Acquisition/Improvements/Construction		
	Restricted Funds	100,000	-0-
003.	McCreary County Fiscal Court - McCreary County Rescue Squad - Equipment/Operations		

Restricted Funds	10,000	-0-
004. McCreary County Fiscal Court - McCreary County Senior Citizens - Land Acquisition		
Restricted Funds	17,101	-0-

McLean County

001. McLean Count Fiscal Court - High Speed Data/IT (E-Government)		
Restricted Funds	-0-	50,000
002. McLean County Fiscal Court - Fire Department - Construction		
Restricted Funds	200,000	-0-
003. McLean County Fiscal Court - Rumsey Sewer Debit Service/Construction		
Restricted Funds	75,000	-0-
004. McLean County Fiscal Court - Water Line Construction - Brooks School Road		
Restricted Funds	-0-	15,000
005. McLean County Fiscal Court -Water Tank Interconnect (KY 81/KY 136)		
Restricted Funds	-0-	95,000

Menifee County

001. City of Frenchburg - Big Woods Fire Department - Equipment, Operations, Improvements		
Restricted Funds	10,000	-0-
002. City of Frenchburg - City of Frenchburg Fire Department - Equipment, Operations, Improvements		
Restricted Funds	10,000	-0-
003. City of Frenchburg - Denniston Fire Department - Equipment, Improvements, Operating		
Restricted Funds	10,000	-0-
004. City of Frenchburg - Downtown Revitalization		
Restricted Funds	40,000	-0-
005. City of Frenchburg - Means Fire Department - Equipment, Operating, Improvements		
Restricted Funds	10,000	-0-
006. City of Frenchburg - Menifee County Rescue and Emergency Squad - Operations, Equipment, Improvements		
Restricted Funds	10,000	-0-

Morgan County

001. City of West Liberty - Helping Hands Animal Shelter - Matching Funds/Startup		
Restricted Funds	10,000	-0-
002. City of West Liberty - Old Mill Park and Treadway Memorial Park - Lighting		
Restricted Funds	10,000	-0-
003. Morgan County Appalachian Regional Hospital - Diabetes Program - Development/Startup		
Restricted Funds	100,000	-0-
004. Morgan County Historical Society - Old W.P.A. Jail Museum - Restoration		
Restricted Funds	50,000	-0-
005. Morgan County Water District - Blackwater Fire Department -		

	Equipment/Operating/Improvements		
	Restricted Funds	10,000	-0-
006.	Morgan County Water District - 519 Fire Department - Equipment/Operating/Improvements		
	Restricted Funds	10,000	-0-
007.	Morgan County Water District - 519 Fire Department/Wrigley Fire Department Expansion		
	Restricted Funds	10,000	-0-
008.	Morgan County Water District - Caney Valley Fire Department - Equipment/Operating/Improvements		
	Restricted Funds	10,000	-0-
009.	Morgan County Water District - Crockett Fire Department - Equipment/Operating/Improvements		
	Restricted Funds	10,000	-0-
010.	Morgan County Water District - Morgan County Rescue Squad - Operations/Improvements/Equipment		
	Restricted Funds	10,000	-0-
011.	Morgan County Water District - Peddler Gap Fire Department - Equipment/Operating/Improvements		
	Restricted Funds	10,000	-0-
012.	Morgan County Water District - White Oak Fire Department - Equipment/Operating/Improvements		
	Restricted Funds	10,000	-0-
013.	University of Kentucky Regional Technology Center - Sidewalk and Stairs Construction and Paving		
	Restricted Funds	60,000	-0-

Muhlenberg County

001.	Bremen Water District #3 - Install 8" Water Line along Black Lake Road		
	Restricted Funds	200,000	-0-
002.	City of Central City - Beechmont Fire Department - Equipment Purchase		
	Restricted Funds	3,125	-0-
003.	City of Central City - Bremen Fire Department - Equipment Purchase		
	Restricted Funds	3,125	-0-
004.	City of Central City - Central City Fire Department - Equipment Purchase		
	Restricted Funds	3,125	-0-
005.	City of Central City - Drakesboro Fire Department - Equipment Purchase		
	Restricted Funds	3,125	-0-
006.	City of Central City - Dunmor Fire Department - Equipment Purchase		
	Restricted Funds	3,125	-0-
007.	City of Central City - Graham Fire Department - Equipment Purchase		
	Restricted Funds	3,125	-0-
008.	City of Central City - Greenville Fire Department - Equipment Purchase		
	Restricted Funds	3,125	-0-
009.	City of Central City - Nelson Fire Department - Equipment		

	Purchase		
	Restricted Funds	3,125	-0-
010.	City of Central City - Purchase of New City Building		
	Restricted Funds	150,000	-0-
011.	City of Drakesboro - Install 6" Sewer Line with Lift Station from Drakesboro to Southern Elementary at Browder		
	Restricted Funds	125,000	-0-
012.	City of Greenville or City of Central City - Sewer Lines and Appurtenances for Paradise Regional Industrial Park, Graham Kentucky to Augment any Loan or Grant		
	Restricted Funds	550,000	-0-
013.	City of Greenville Parks Department - Replacement of Two Tennis Courts at Morgan Park		
	Restricted Funds	65,000	-0-
014.	City of Greenville Utilities Commission - Match for Funds to Improve Sewer System		
	Restricted Funds	150,000	-0-
015.	Muhlenberg County Board of Education - Design/Construction Auditorium for New Greenville Elementary School		
	Restricted Funds	490,000	-0-
016.	Muhlenberg County Campus, Madisonville College - Workforce Assessment and Training Project - Operations, Equipment, and Programming		
	Restricted Funds	250,000	-0-
017.	Muhlenberg County Fair Board - Expansion of Muhlenberg Ag Center Building		
	Restricted Funds	120,000	-0-
018.	Muhlenberg County Fiscal Court - Industrial Park Land Purchase on or before June 30, 2005; or Water/Sewer Development at Paradise Industrial Park, Graham, Kentucky; or Repair Muhlenberg County Courthouse Dome		
	Restricted Funds	125,000	-0-
019.	Muhlenberg County Library Board - Central City Library Annex		
	Restricted Funds	345,000	-0-
Ohio County			
001.	Ohio County Fiscal Court - County Sports Complex - Facilities Construction		
	Restricted Funds	50,000	-0-
002.	Ohio County Fiscal Court - Ohio County Courthouse - Renovation		
	Restricted Funds	501,000	-0-
003.	Ohio County Fiscal Court - Rockport Water Project - Renovation of Obsolete Plant		
	Restricted Funds	232,000	-0-
004.	Ohio County Fiscal Court - Veterans Museum - Upgrades		
	Restricted Funds	25,000	-0-
Owsley County			
001.	Owsley County Fiscal Court - Fire Departments Communication System		
	Restricted Funds	13,000	-0-
002.	Owsley County Fiscal Court - Island City Fire Department - Water		

	Tank		
	Restricted Funds	3,500	-0-
003.	Owsley County Fiscal Court - Purchase Road Equipment		
	Restricted Funds	171,721	-0-
004.	Owsley County Fiscal Court - Regional Jail - Operations/Equipment		
	Restricted Funds	-0-	106,000
005.	Owsley County Fiscal Court - Spec Building - Maintenance		
	Restricted Funds	-0-	53,524

Perry County

001.	City of Hazard - Operations/Equipment Purchase		
	Restricted Funds	200,000	-0-
002.	Perry County Fiscal Court - 911 Mapping Upgrade		
	Restricted Funds	50,000	50,000
003.	Perry County Fiscal Court - ACUP/Millseed Water Extension		
	Restricted Funds	-0-	120,000
004.	Perry County Fiscal Court - ARH Indigent Care Account		
	Restricted Funds	100,000	100,000
005.	Perry County Fiscal Court - City of Hazard - Airport Extension		
	Restricted Funds	100,000	100,000
006.	Perry County Fiscal Court - Civil War Reenactment Tourism Fund		
	Restricted Funds	10,000	10,000
007.	Perry County Fiscal Court - Hiner/Bulan Mountain Water Line Replacement		
	Restricted Funds	-0-	300,000
008.	Perry County Fiscal Court - Joshua's Dream Drug Rehab - Operating		
	Restricted Funds	150,000	-0-
009.	Perry County Fiscal Court - Park Maintenance and Improvement Fund		
	Restricted Funds	50,000	28,000
010.	Perry County Fiscal Court - Perry County Sheriff Matching Fund for United		
	Restricted Funds	200,000	-0-
011.	Perry County Fiscal Court - Senior Citizens Sustenance Fund		
	Restricted Funds	20,000	20,000
012.	Perry County Fiscal Court - Tourism Coordinator Salary, Vehicle and Office Expenses		
	Restricted Funds	100,000	70,000
013.	Perry County Fiscal Court - University Center of the Mountains - Operating		
	Restricted Funds	500,000	500,000

Pike County

001.	Mountain Water District - Miscellaneous Water and Sewer Projects		
	Restricted Funds	1,100,000	-0-
002.	Mountain Water District - Sewer Projects		

	Restricted Funds	791,000	-0-
003.	Mountain Water District - Water Projects		
	Restricted Funds	1,050,000	1,050,000
004.	Pike County Board of Education - FRYSC's - Operating		
	Restricted Funds	100,000	100,000
005.	Pike County Fiscal Court - Black Gem Park - Equipment, Operating and Improvements		
	Restricted Funds	100,000	-0-
006.	Pike County Fiscal Court - Blackberry Senior Citizens Program - Construction, Operating and Improvements		
	Restricted Funds	50,000	-0-
007.	Pike County Fiscal Court - Breaks Park - Equipment, Operating and Improvements		
	Restricted Funds	50,000	-0-
008.	Pike County Fiscal Court - Dorton Park - Equipment, Operating and Improvements		
	Restricted Funds	75,000	25,000
009.	Pike County Fiscal Court - Drug Rehab Center - Equipment, Operating and Improvements		
	Restricted Funds	300,000	300,000
010.	Pike County Fiscal Court - Elkhorn City Fire Department - Equipment, Operating and Improvements		
	Restricted Funds	50,000	-0-
011.	Pike County Fiscal Court - Elkhorn City Heritage Council - Equipment, Operating and Improvements		
	Restricted Funds	-0-	10,000
012.	Pike County Fiscal Court - Elkhorn City Railroad Musuem - Equipment, Operating and Improvements		
	Restricted Funds	5,000	-0-
013.	Pike County Fiscal Court - Elkhorn City Renaissance Program - Equipment, Operating and Improvements		
	Restricted Funds	20,000	-0-
014.	Pike County Fiscal Court - Feds Creek Park - Equipment, Operating and Improvements		
	Restricted Funds	25,000	-0-
015.	Pike County Fiscal Court - Fishtrap Park - Equipment, Operating and Improvements		
	Restricted Funds	1,000,000	-0-
016.	Pike County Fiscal Court - Freeburn Park - Equipment, Operating and Improvements		
	Restricted Funds	25,000	-0-
017.	Pike County Fiscal Court - Grants Branch Park - Equipment, Operating and Improvements		
	Restricted Funds	50,000	-0-
018.	Pike County Fiscal Court - Grapevine Fire Department - Equipment, Operating and Improvements		
	Restricted Funds	50,000	-0-
019.	Pike County Fiscal Court - Hardy Park - Equipment, Operating and Improvements		
	Restricted Funds	100,000	-0-
020.	Pike County Fiscal Court - Hatfield McCoy Trail Development Fund - Tourism Development		

	Restricted Funds	50,000	50,000
021.	Pike County Fiscal Court - HOPE, Inc. (Three Centers) - Equipment, Operating and Improvements		
	Restricted Funds	300,000	300,000
022.	Pike County Fiscal Court - Island Creek Park - Equipment, Operating and Improvements		
	Restricted Funds	25,000	-0-
023.	Pike County Fiscal Court - Kentucky HOPE - Equipment, Operating and Improvements		
	Restricted Funds	100,000	100,000
024.	Pike County Fiscal Court - Long Fork Park - Equipment, Operating and Improvements		
	Restricted Funds	25,000	-0-
025.	Pike County Fiscal Court - Lower Johns Creek Fire Department - Equipment, Operating and Improvements		
	Restricted Funds	50,000	-0-
026.	Pike County Fiscal Court - Majestic Park - Equipment, Operating and Improvements		
	Restricted Funds	25,000	-0-
027.	Pike County Fiscal Court - Oven Fork Park - Equipment, Operating and Improvements		
	Restricted Funds	50,000	-0-
028.	Pike County Fiscal Court - Phelps DAV/VFW - Operations		
	Restricted Funds	50,000	-0-
029.	Pike County Fiscal Court - Phelps Fire Department - Equipment		
	Restricted Funds	150,000	-0-
030.	Pike County Fiscal Court - Pike County Ambulance Service - Equipment, Operating and Improvements		
	Restricted Funds	10,000	10,000
031.	Pike County Fiscal Court - Pike County DAV/VFW - Operating and Improvements		
	Restricted Funds	50,000	50,000
032.	Pike County Fiscal Court - Pike County Fire Departments - Equipment, Operating and Improvements		
	Restricted Funds	100,000	100,000
033.	Pike County Fiscal Court - Pike County Housing Authority - Construction, Land Acquisition, Equipment, Operating and Improvements		
	Restricted Funds	100,000	100,000
034.	Pike County Fiscal Court - Pike County Jail - Equipment, Operating and Improvements		
	Restricted Funds	75,000	-0-
035.	Pike County Fiscal Court - Pikeville Little League Baseball Field - Improvements		
	Restricted Funds	25,000	-0-
036.	Pike County Fiscal Court - Pinson Farm Park Project - Coon Creek - Equipment, Operating and Improvements		
	Restricted Funds	25,000	-0-
037.	Pike County Fiscal Court - Senior Citizens Program - Equipment, Operating and Improvements		
	Restricted Funds	100,000	-0-

038.	Pike County Fiscal Court - Sycamore Park - Equipment, Operating and Improvements		
	Restricted Funds	50,000	50,000
039.	Pike County Fiscal Court - Sycamore Fire Department - Equipment, Operating and Improvements		
	Restricted Funds	-0-	50,000
040.	Pike County Fiscal Court - Turkey Creek Volunteer Fire Department - Equipment, Operating and Improvements		
	Restricted Funds	10,000	-0-
041.	Pike County School Board - Phelps High School - Phelps History Center - Equipment, Operating and Improvements		
	Restricted Funds	25,000	25,000
042.	Pike County Fiscal Court - Domestic Violence Abuse Center		
	Restricted Funds	100,000	100,000
043.	Pike County Fiscal Court - Drug Court		
	Restricted Funds	50,000	50,000
044.	Pike County Fiscal Court - Drug Court In Home Supervision Program		
	Restricted Funds	50,000	50,000
Union County			
001.	City of Morganfield - Morganfield Fire Department - Equipment		
	Restricted Funds	5,000	-0-
002.	City of Sturgis - Downtown Sturgis Atrium and Amphitheatre - Completion of Construction and Operations		
	Restricted Funds	150,000	-0-
003.	City of Sturgis - Elkwood Public Golf Course - Restrooms and Pro Shop		
	Restricted Funds	25,000	-0-
004.	City of Sturgis - Purchase and Renovation Old Sturgis H.S. Hotel and Museum		
	Restricted Funds	200,000	-0-
005.	City of Sturgis - Sturgis Community Rest Home		
	Restricted Funds	75,000	-0-
006.	City of Sturgis - Sturgis Fire Department - Equipment		
	Restricted Funds	5,000	-0-
007.	City of Uniontown - Improvements at Kentucky Recreational & Ballpark Complex		
	Restricted Funds	14,000	-0-
008.	Union County Fair Grounds Boards - Chain Link Fence		
	Restricted Funds	10,000	-0-
009.	Union County Fiscal County - Sewer System for Wyn Addition		
	Restricted Funds	750,000	-0-
010.	Union County Fiscal Court - Completion Union County Senior Citizens Building		
	Restricted Funds	235,000	-0-
011.	Union County Fiscal Court - Henshaw Fire Department - Administration/Equipment		
	Restricted Funds	5,000	-0-
012.	Union County Fiscal Court - Jimmy Veach Historical Center		

	Facility Housing for Antique Farm Equipment		
	Restricted Funds	75,000	-0-
013.	Union County Fiscal Court - Sullivan Fire Department - Administration/Equipment		
	Restricted Funds	5,000	-0-
014.	Union County Fiscal Court - Union County Jail - Improvements and Maintenances		
	Restricted Funds	246,734	-0-
015.	Union County Fiscal Court - Union County Library - Improvements and Operations		
	Restricted Funds	200,000	-0-
016.	Union County Fiscal Court - Union County YMCA - Restrooms, Heating and Cooling System		
	Restricted Funds	16,000	-0-
017.	Union County Fiscal Court - Uniontown Fire Department - Administration/Equipment		
	Restricted Funds	5,000	-0-
018.	Union County Fiscal Court - Waverly Fire Department - Administration/Equipment		
	Restricted Funds	5,000	-0-
019.	Union County Fiscal Court - Whispering Meadows Fire Department - Administration/Equipment		
	Restricted Funds	5,000	-0-
Webster County			
001.	City of Blackford - Completion of Blackford Bridge Project		
	Restricted Funds	100,000	-0-
002.	City of Poole - Poole Fire Barn - Improvements		
	Restricted Funds	150,000	-0-
003.	City of Providence - Sewer Project		
	Restricted Funds	250,000	-0-
004.	City of Providence - Stabilization of Wall at Providence Fire Department		
	Restricted Funds	50,000	-0-
005.	City of Sebree - South Sebree Industrial Park Preparation for Business		
	Restricted Funds	200,000	-0-
006.	Webster County Fiscal Court - Warning Sirens Updated and Seven New Ones for County		
	Restricted Funds	175,000	-0-
007.	Webster County Fiscal Court - Wireless Internet Service for County Plus T1 Service		
	Restricted Funds	400,000	-0-
008.	Webster County Fiscal Court - $10,000 to Each Fire Department for Equipment		
	Restricted Funds	90,000	-0-
Whitley County			
001.	Whitley County Fiscal Court - Whitley County Senior Citizens - Purchase of Food Service Equipment & Storage Building		
	Restricted Funds	20,000	-0-
002.	Whitley County Fiscal Court - Lease Purchase of New Police Cars for Whitley County Sheriff's Office		
	Restricted Funds	64,000	-0-

003.	Whitley County Fiscal Court - Purchase of Radios, ECG Monitor, Stair Chairs and Pediatric Devices for Whitley County EMS		
	Restricted Funds	22,000	-0-
004.	Whitley County Fiscal Court - Purchase of Six New Computers, Software and Related Equipment for County Judge's Office		
	Restricted Funds	13,000	-0-
005.	Whitley County Fiscal Court - Purchase of Two Trucks, Tractor and Other Equipment for Whitley County Road Department		
	Restricted Funds	50,000	-0-
006.	Whitley County Fiscal Court - Relocation of Primary Broadcast Tower Expenses and Related Equipment for Whitley County 911		
	Restricted Funds	80,000	-0-
Wolfe County			
001.	Wolfe County Board of Education - Red River School Septic System		
	Restricted Funds	50,000	-0-
002.	Wolfe County Fiscal Court - Campton Fire Department - Equipment, Improvements, Operating		
	Restricted Funds	30,000	-0-
003.	Wolfe County Fiscal Court - Hazel Green Fire Department - Equipment, Improvements, Operating		
	Restricted Funds	15,000	-0-
004.	Wolfe County Fiscal Court - Hazel Green Fire Department - Paving		
	Restricted Funds	15,000	-0-
005.	Wolfe County Fiscal Court - Helping Hands Animal Shelter - Matching Grant Funds/Startup		
	Restricted Funds	10,000	-0-
006.	Wolfe County Fiscal Court - Pryor Fork Road Wooden Bridge - Match on Repairs		
	Restricted Funds	10,000	-0-
007.	Wolfe County Fiscal Court - Wolfe County Rescue Squad - Equipment, Improvements, Operating		
	Restricted Funds	10,000	-0-

M. WATER AND SEWER RESOURCES DEVELOPMENT FUND FOR COAL PRODUCING COUNTIES

(1) **Bond Authority:** Bond Funds in the amount of $50,000,000 are authorized for projects within the Water and Sewer Resources Development Fund for Coal Producing Counties. The Bond Pool authorization identified in Part II, A. General Government, 2. Kentucky Infrastructure Authority, Item 003., of this Act, and the Projects list as identified in this section shall be placed under the jurisdiction of the Kentucky Infrastructure Authority (KIA). There is $4,767,000 in fiscal year 2005-2006 appropriated from Restricted Funds for debt service. From the effective date of this Act, interest earnings and/or investment income earned on bond proceeds shall be retained by the Water and Sewer Resources Development Fund for Coal Producing Counties. Any interest earnings and/or investment income shall be made available for approved projects. The Executive Director of KIA, the Secretary of the Finance and Administration Cabinet, and Bond Counsel shall determine the most permissive cost-advantageous method for issuing the bonds, including using an existing bond indenture, creating a new bond indenture, and utilizing the State Property and Buildings Commission or the Kentucky Asset/Liability Commission for the issuance of the bonds.

(2) **Appropriations Not To Be Duplicated:** Appropriations identified as Bond Funds in this section are representative of the amounts provided in Part II, A. General Government, 2. Kentucky Infrastructure Authority (KIA), Item 003., of this Act, and are not to be appropriated in duplication.

1. GENERAL GOVERNMENT

Budget Unit	**2004-05**	**2005-06**
a. Kentucky Infrastructure Authority		
Bell County		

001.	Bell County Fiscal Court - Assorted Water Projects - Capps Hill/Little Creek/Neal Hill/Stephens Branch/Mill Creek/Laurel Fork/Wolfpen		
	Bond Funds	350,000	-0-
002.	Bell County Fiscal Court - Beans Fork Water		
	Bond Funds	250,000	-0-
003.	Bell County Fiscal Court - Dorton Branch Sewer Project		
	Bond Funds	300,000	-0-
004.	Bell County Fiscal Court - Ferndale Sewer		
	Bond Funds	250,000	-0-
005.	Bell County Fiscal Court - Fire and Dry Hydrants		
	Bond Funds	88,888	-0-
006.	Bell County Fiscal Court - Polly Hollow (Left Fork) Sewer Project		
	Bond Funds	150,000	-0-

Boyd County

001.	Boyd County Fiscal Court - Various Sewer Line Extensions		
	Bond Funds	246,888	-0-
002.	Boyd County Sanitation District No. 2 - Various Sewer Line Extensions and Upgrades		
	Bond Funds	200,000	-0-
003.	Boyd County Sanitation District No. 4 - Various Sewer Line Extensions and Rehabilitations - Countryside Drive Sewer Line Rehabilitation		
	Bond Funds	50,000	-0-
004.	Boyd County Sanitation District No. 4 - Various Sewer Line Extensions and Rehabilitations - Gillum Addition / Dorcliff Heights Sewer Line Extensions		
	Bond Funds	227,000	-0-
005.	Cannonsburg Water District - Various Water Line Extensions, Line Replacement, New Water Tank and Fire Hydrant Rehabilitaiton and Replacement - Industrial Parkway Line Extension		
	Bond Funds	270,000	-0-
006.	Cannonsburg Water District - Various Water Line Extensions, Line Replacement, New Water Tank and Fire Hydrant Rehabilitation and Replacement - New Water Tank Briarwood		
	Bond Funds	60,000	-0-
007.	Cannonsburg Water District - Various Water Line Extensions, Line Replacement, New Water Tank, and Fire Hydrant Rehabilitation and Replacement - Fire Hydrant Fix and Replace		
	Bond Funds	75,000	-0-
008.	Cannonsburg Water District - Various Water Line Extensions, Line Replacement, New Water Tank, and Fire Hydrant Rehabilitation and Replacement - Tarpin Ridge Line Replacement		
	Bond Funds	60,000	-0-
009.	City of Ashland Utilities - Melody Mountain Sewer Line Extensions		
	Bond Funds	200,000	-0-

Breathitt County

001.	Breathitt County Fiscal Court - Water Line Extension Lee/Breathitt County Line to Little Cave Creek Baptist Church on Hwy 52 and Hwy 541 at Oakdale School to Kentucky Mountain Bible College		

	Bond Funds	1,388,888	-0-
Butler County			
001.	Butler County Water System, Inc. - Water System Expansions		
	Bond Funds	1,388,888	-0-
Christian County			
001.	Christian County Fiscal Court - Water Line Expansion Funds		
	Bond Funds	548,888	-0-
002.	Christian County Fiscal Court - Water Line Improvement (WX21047006)		
	Bond Funds	650,000	-0-
003.	Hopkinsville Water Environment Authority - Water Line Replacement (WX21047005)		
	Bond Funds	190,000	-0-
Clay County			
001.	Clay County Fiscal Court - Water and Sewer Projects		
	Bond Funds	1,388,888	-0-
Daviess County			
001.	City of Whitesville - Wastewater Treatment Upgrades		
	Bond Funds	240,000	-0-
002.	East Daviess County Water Association - System Upgrade Project		
	Bond Funds	225,000	-0-
003.	Owensboro Municipal Utilities (OMU) - Replace Undersized and Aging Water Mains		
	Bond Funds	250,000	-0-
004.	Regional Water Resource Agency (RWRA) - Subdivision Sewer Extensions		
	Bond Funds	243,888	-0-
005.	Southeast Daviess County Water District - Brownwood Manor/Fields Road - Water Line Extensions		
	Bond Funds	215,000	-0-
006.	West Daviess County Water District - Ky 56/Audubon Parkway X-ing/Lee Rudy Road/Old Lyddane Bridge Road - Water Line Extensions		
	Bond Funds	215,000	-0-
Elliott County			
001.	Elliott County Fiscal Court - Rowan County Water District - Water Line Extension Carter School Road		
	Bond Funds	15,000	-0-
002.	Sandy Hook Sewer District - Various Line Extensions, Line Improvements, and Repairs - Sewer Plant Improvements and Overall Sewer System Upgrades		
	Bond Funds	479,444	-0-
003.	Sandy Hook Water District - Various Water Line Extensions, Water Plant Improvements, Wells Creek Pump Station, Scada System Upgrade and Rehabilitate Wells 1,2,3 and 4		
	Bond Funds	894,444	-0-
Floyd County			
001.	Floyd County Fiscal Court - Floyd County Water Line Branch Extension		

	Bond Funds	750,000	-0-
002.	Floyd County Fiscal Court - KY 321 Water Line Reinforcement		
	Bond Funds	550,000	-0-
003.	Floyd County Fiscal Court - Prestonsburg Water Line Extensions		
	Bond Funds	88,888	-0-

Greenup County

001.	City of Flatwoods - Sanitary Sewer Rehabilitation Project Phase I		
	Bond Funds	100,000	-0-
002.	City of Flatwoods - Water System Upgrades and Rehabilitation Phase II		
	Bond Funds	100,000	-0-
003.	City of Greenup - Fire Hydrants on Rural Water Line		
	Bond Funds	30,000	-0-
004.	City of Greenup - Phase VIII Water Line Expansion		
	Bond Funds	275,000	-0-
005.	City of Greenup - Storm Sewer Improvements		
	Bond Funds	80,000	-0-
006.	City of Raceland - Sanitary Sewer Rehabilitation Project Phase III		
	Bond Funds	80,000	-0-
007.	City of Russell - Sanitary Storm Sewer Rehabilitation Project		
	Bond Funds	80,000	-0-
008.	City of South Shore - Sanitary/Storm Sewer Separation Project		
	Bond Funds	80,000	-0-
009.	City of South Shore - Sewer Treatment Plant Equipment Upgrade		
	Bond Funds	45,000	-0-
010.	City of Worthington - Sanitary Sewer Rehabilitation Project		
	Bond Funds	80,000	-0-
011.	City of Wurtland - Lloyd Sewer Expansion Project		
	Bond Funds	78,000	-0-
012.	City of Wurtland - Sanitary Sewer Rehabilitation Project		
	Bond Funds	80,000	-0-
013.	Greenup County Fiscal Court - Water and Sewer Lines and Ground Preparation for Amphitheatre at Greenbo Lake State Resort Park		
	Bond Funds	60,000	-0-
014.	Greenup County Fiscal Court - Water Line Extension Sand Gap Church Road to Route 207		
	Bond Funds	220,888	-0-

Harlan County

001.	Harlan County Fiscal Court - City of Benham - Water Tank Repair/Replacement		
	Bond Funds	100,000	-0-
002.	Harlan County Fiscal Court - City of Cumberland - Water Extension to Blair and Cloverlick and Gilley Hollow		

	Bond Funds	200,000	-0-
003.	Harlan County Fiscal Court - City of Evarts - Water Expansion		
	Bond Funds	50,000	-0-
004.	Harlan County Fiscal Court - Totz Area Water Line Extension		
	Bond Funds	250,000	-0-
005.	Harlan County Fiscal Court - Water Line Extension - Ages/Molus/Laymon		
	Bond Funds	788,888	-0-
Henderson County			
001.	Henderson County Water District - Barren Church Road Extension (WX21101018)		
	Bond Funds	75,000	-0-
002.	Henderson County Water District - Cairo Dixie Road Extension (WX21101035)		
	Bond Funds	325,000	-0-
003.	Henderson County Water District - Diamond Island Road Extension (WX1101042)		
	Bond Funds	110,000	-0-
004.	Henderson County Water District - Highway 811 Extension (WX21101034)		
	Bond Funds	278,888	-0-
005.	Henderson County Water District - Hwy. 283 O Royster Rd.& S. Royster (WX1101037)		
	Bond Funds	100,000	-0-
006.	Henderson County Water District - McDonald Landing Water Extension (WX21101032)		
	Bond Funds	175,000	-0-
007.	Henderson County Water District -Tscharner Road/Green River Rd. #1 (WX21101038)		
	Bond Funds	150,000	-0-
008.	Henderson County Water District -US 60 East Expansion (WX2101033)		
	Bond Funds	175,000	-0-
Hopkins County			
001.	City of Dawson Springs - Sewer Project		
	Bond Fund	438,888	-0-
002.	City of Hanson - Sewer Project		
	Bond Funds	570,000	-0-
003.	City of Mortons Gap - Sewer Project		
	Bond Funds	80,000	-0-
004.	City of St. Charles - Sewer Project		
	Bond Funds	300,000	-0-
Jackson County			
001.	Jackson County Fiscal Court - Sewer Lines - Congleton Hollow - Birch Lick Area - Route 421 Northern Jackson County S-Tree Estates Sewer		
	Bond Funds	825,000	-0-
002.	Jackson County Fiscal Court - Water Lines - Kentucky 577 - Swindling Gap		
	Bond Funds	75,000	-0-

003.	Jackson County Fiscal Court - Water Lines- Lower Indian Creek - Route #89		
	Bond Funds	488,888	-0-
Johnson County			
001.	Paintsville Utility Commission - Johnson County Water Lines (WX21115002)		
	Bond Funds	388,888	-0-
002.	Paintsville Utility Commission - Paintsville Water Plant (WX21115001)		
	Bond Funds	1,000,000	-0-
Knott County			
001.	City of Hindman - Water Line Improvements		
	Bond Funds	88,888	-0-
002.	Knott County Water and Sewer District - Ball Creek Water Project		
	Bond Funds	1,300,000	-0-
Knox County			
001.	Barbourville Utility Commission - Water and Sewer Expansions		
	Bond Funds	738,888	-0-
002.	Knox County Fiscal Court - Water Line Extensions		
	Bond Funds	650,000	-0-
Laurel County			
001.	Laurel County Fiscal Court - Sewer Lines - Sallie Branch, Court Road, Miller Lane		
	Bond Funds	400,000	-0-
002.	Laurel County Fiscal Court - Sewer Lines - Sasser School Road - London East Sewer		
	Bond Funds	388,888	-0-
003.	Laurel County Fiscal Court - Sewer Lines - Sublimity		
	Bond Funds	600,000	-0-
Lawrence County			
001.	City of Louisa Sewer Department - Various Line Extensions, Line Replacement and Upgrades and Lift Station - Clay St. Sewer Line Replacement System		
	Bond Funds	250,000	-0-
002.	City of Louisa Sewer Department - Various Line Extensions, Line Replacement and Upgrades and Lift Station - Shillow Drive Sewer Line Extension		
	Bond Funds	100,000	-0-
003.	City of Louisa Sewer Department - Various Line Extensions, Line Replacement and Upgrades and Lift Station - Willow Drive Sewer Line Extension		
	Bond Funds	100,000	-0-
004.	City of Louisa Sewer Department - Various Line Extensions, Line Replacement, and Upgrades and Lift Station - Bob White Drive Sewer Line Extension		
	Bond Funds	100,000	-0-
005.	City of Louisa Sewer Department - Various Line Extensions, Line Replacement, and Upgrades and Lift Station - High Bottom Lift Station		
	Bond Funds	150,000	-0-

006.	City of Louisa Sewer Department - Various Line Extensions, Line Replacements, and Upgrades and Lift Station - Facility Plan Sewer Evaluation Study		
	Bond Funds	188,888	-0-
007.	Lawrence County Fiscal Court - Paintsville Water - Caines Creek Water Line Extensions		
	Bond Funds	500,000	-0-
Lee County			
001.	Lee County Fiscal Court - Sewer Line Extensions		
	Bond Funds	1,388,888	-0-
Leslie County			
001.	Hyden-Leslie Water District - Plant Expansion		
	Bond Funds	900,000	-0-
002.	Hyden-Leslie Water District - Water Line Extension - Saylor Community		
	Bond Funds	250,000	-0-
003.	Hyden-Leslie Water District - Water Line Extension Contingency Fund		
	Bond Funds	238,888	-0-
Letcher County			
001.	City of Jenkins - Water and Sewer to Industrial Site		
	Bond Funds	44,444	-0-
002.	City of Whitesburg - New Wastewater Plant Project		
	Bond Funds	1,000,000	-0-
003.	Letcher County Water and Sewer District - Blackey Sanitation Sewer Project		
	Bond Funds	344,444	-0-
Magoffin County			
001.	City of Salyerville Water and Sewer Expansion Project		
	Bond Funds	788,888	-0-
002.	Magoffin County Water District - Water Lines		
	Bond Funds	600,000	-0-
Martin County			
001.	BSADD on Behalf of the TUG Valley Sewer Authority - Warfield Sewer System (SZ21159501)		
	Bond Funds	1,000,000	-0-
002.	Inez Sewer System - Sewer Improvements (SX21159010)		
	Bond Funds	388,888	-0-
McCreary County			
001.	McCreary County Water District - Big Creek Water Project Phase #1		
	Bond Funds	250,000	-0-
002.	McCreary County Water District - Telemetry, Security and Water System Upgrade		
	Bond Funds	84,888	-0-
003.	McCreary County Water District - Williamsburg Street Wastewater Project		
	Bond Funds	1,054,000	-0-
McLean County			
001.	McLean County Fiscal Court - City of Calhoun Sewer Extension KY 81		

	Bond Funds	80,000	-0-
002.	McLean County Fiscal Court - City of Calhoun Water Line Construction		
	Bond Funds	175,000	-0-
003.	McLean County Fiscal Court - City of Island (Water) Pump Station		
	Bond Funds	50,000	-0-
004.	McLean County Fiscal Court - City of Island Sewer Line Extension		
	Bond Funds	110,000	-0-
005.	McLean County Fiscal Court - City of Livermore Sewer Line Construction		
	Bond Funds	205,000	-0-
006.	McLean County Fiscal Court - City of Sacramento Sewer Pumps Replacement		
	Bond Funds	170,000	-0-
007.	McLean County Fiscal Court - City of Sacramento Water Line Extension		
	Bond Funds	10,000	-0-
008.	McLean County Fiscal Court - KY 136 Sewer Debit Service/Construction		
	Bond Funds	65,000	-0-
009.	McLean County Fiscal Court - Rumsey Sewer Debt Service/Construction		
	Bond Funds	110,000	-0-
010.	McLean County Fiscal Court - Water Line Construction - Beechgrove		
	Bond Funds	205,000	-0-
011.	McLean County Fiscal Court - Water Line Construction - Troutman Hills		
	Bond Funds	20,000	-0-
012.	McLean County Fiscal Court - Water Line Construction KY 138 W		
	Bond Funds	88,888	-0-
013.	McLean County Fiscal Court - Water Tank Interconnect (KY 81/KY 136)		
	Bond Funds	100,000	-0-
Menifee County			
001.	City of Frenchburg - Water Infrastructure Project - Water Line Extensions Rothwell Hill on US 460, Indian Creek Road and Amos Ridge; Emergency Inter-connections; Water Line Extensions to Currently Unserved Areas of the County		
	Bond Funds	1,388,888	-0-
Morgan County			
001.	City of West Liberty - Wastewater Project - Belt Filter Press System to Alleviate Accumulated Solids		
	Bond Funds	388,888	-0-
002.	Morgan County Water District - Water Projects		
	Bond Funds	1,000,000	-0-
Muhlenberg County			
001.	City of Drakesboro for Drakesboro Board of Education - Sewer Line to Southern Elementary		

	Bond Funds	88,888	-0-
002.	City of Greenville or City of Central City (Which ever Awarded Project) - Matching Grant for Current Water Expansions and for Water and/or Sewer for Regional Industrial Park, Graham, KY		
	Bond Funds	250,000	-0-
003.	City of Powderly - Purchase Sewer Equipment		
	Bond Funds	50,000	-0-
004.	Muhlenberg County Water District - Grant Match for Current Water Expansions and for Water and/or Sewer for Regional Industrial Park, Graham KY (Any Funds not used to Lapse to City Handling Wastewater for Paradise Industrial Park, Graham, KY		
	Bond Funds	1,000,000	-0-
Ohio County			
001.	Ohio County Water - Regional Wastewater conveyance and Treatment System		
	Bond Funds	1,388,888	-0-
Owsley County			
001.	Owsley County Fiscal Court - Water Line Route 30, Green Hall, Buffalo, 175 Household, Stay, Winkle Road, Chadwell Road (No. 847), White Oak, Highway 11-Sexton Cr., Anglin, Allen Road, Doe Creek Road, Road No. 1071-Big Spr. Road		
	Bond Funds	1,388,888	-0-
Perry County			
001.	Perry County Fiscal Court - Ary Water Project - Phase II to County Line		
	Bond Funds	450,000	-0-
002.	Perry County Fiscal Court - South Perry Water Project Phase II		
	Bond Funds	838,888	-0-
003.	Perry County Fiscal Court - Squabble Creek / Middle Fork Water Project		
	Bond Funds	100,000	-0-
Pike County			
001.	Mountain Water District - Forest Hills Sewer Projects		
	Bond Funds	317,000	-0-
002.	Mountain Water District - Pond/Belfry Sewer Project		
	Bond Funds	871,888	-0-
003.	Mountain Water District - Barrenshee Sewer Project		
	Bond Funds	200,000	-0-
Union County			
001.	City of Morganfield - Water Line Extensions		
	Bond Funds	388,888	-0-
002.	Union County Fiscal Court - Sewer Line		
	Bond Funds	1,000,000	-0-
Webster County			
001.	City of Clay - Sewer and Water Upgrades		
	Bond Funds	200,000	-0-
002.	City of Dixon - Sewer Expansion to Pioneer Plastics		
	Bond Funds	250,000	-0-
003.	City of Providence - Baptist Hill Sewer Expansion		

Bond Funds	388,888	-0-
004. City of Providence - Water and Sewer Upgrades		
Bond Funds	200,000	-0-
005. Webster County Water District - City of Sebree Connect		
Bond Funds	200,000	-0-
006. Webster County Water District - Water Line Expansion		
Bond Funds	150,000	-0-

Whitley County

001. Corbin Utilities Commission - Line Extension along Unserved Portion of Bacon Creek Rd. by the Corbin Utilities Commission		
Bond Funds	100,000	-0-
002. Whitley County Fiscal Court - Line Extension along Lower Laurel Fork Rd. in Frakes Ky by Laurel Fork Water Corporation		
Bond Funds	250,000	-0-
003. Whitley County Fiscal Court - Line Extension by Knox Utilities Commission to Unserved Pockets within Whitley County		
Bond Funds	100,000	-0-
004. Whitley County Water District - Establish 8" Interconnection along Hwy 26 and Tyes Ferry Road to Hwy 779		
Bond Funds	559,888	-0-
005. Whitley County Water District - Line Extension along Bear Hollow Rd.		
Bond Funds	36,000	-0-
006. Whitley County Water District - Line Extension along Hackler Cemetery		
Bond Funds	31,000	-0-
007. Whitley County Water District - Line Extension along Keswick Rd. to Foot of King Gap		
Bond Funds	169,000	-0-
008. Whitley County Water District - Line Extension along New Zion Church Rd. to Serve Walters Cemetery Rd.		
Bond Funds	50,000	-0-
009. Whitley County Water District - Line Extension along Old Mt. Ash Pike		
Bond Funds	93,000	-0-

N. WATER AND SEWER RESOURCES DEVELOPMENT FUND FOR TOBACCO COUNTIES

Bond Funds in the amount of $81,000,000 are authorized for projects within the Water and Sewer Resources Development Fund for Tobacco Counties. The Bond Pool authorization identified in Part II, A. General Government, 2. Kentucky Infrastructure Authority, Item 004., of this Act, and the Projects list as identified in this section shall be placed under the jurisdiction of the Kentucky Infrastructure Authority (KIA). There is $6,000,000 in fiscal year 2003-2004 appropriated from the General Fund (Tobacco) and $1,818,000 from the General Fund for debt service. From the effective date of this Act, interest earnings and/or investment income earned on bond proceeds shall be retained by the Water and Sewer Resources Development Fund for Tobacco Counties. Any interest earnings and/or investment income shall be made available for approved projects. The Executive Director of KIA, the Secretary of the Finance and Administration Cabinet, and Bond Counsel shall determine the most permissive cost-advantageous method for issuing the bonds including using an existing bond indenture, creating a new bond indenture, and utilizing the State Property and Buildings Commission or the Kentucky Asset/Liability Commission for the issuance of the bonds.

1. GOVERNMENT OPERATIONS

Budget Unit	**2003-04**	**2004-05**
a. Kentucky Infrastructure Authority		
Adair County		
001. Adair County Water District - Water and Sewer Line Projects		

	Bond Funds	400,000	-0-
Allen County			
001.	Allen County Fiscal Court - Water and Sewer Line Extension to Industrial Park and Various Water and Sewer Line Improvements		
	Bond Funds	625,000	-0-
002.	City of Scottsville - 980 Project Extension Sewer and Water to New Highway #231		
	Bond Funds	250,000	-0-
Anderson County			
001.	South Anderson Water District - Phase 7 Water Line Extensions		
	Bond Funds	500,000	-0-
Ballard County			
001.	Bandana Water District - Water Line Improvements		
	Bond Funds	25,000	-0-
002.	City of Barlow - Remove and Replace Various Old Water Lines and Replace Old Sewage Pump Station		
	Bond Funds	100,000	-0-
003.	City of Kevil - Paint and Repair Two Water Towers and Construct 1.5 Miles PVC		
	Bond Funds	50,000	-0-
004.	City of Kevil - Repair Old Sewer Lines to Stop Infiltration		
	Bond Funds	50,000	-0-
005.	City of LaCenter - Paint and Repair Water Tower and Construct Extension to Ballard County School Complex		
	Bond Funds	100,000	-0-
006.	City of LaCenter - Water Line Extension and Water Tank		
	Bond Funds	135,000	-0-
007.	City of Wickliffe - Move Sewer Lift Station from Flood Prone Area		
	Bond Funds	100,000	-0-
008.	City of Wickliffe - Water Main Upgrade		
	Bond Funds	75,000	-0-
009.	City of Wickliffe - Water Tank Rehabilitation		
	Bond Funds	75,000	-0-
010.	Lovelaceville Water District - Water Line Improvements		
	Bond Funds	25,000	-0-
Barren County			
001.	Barren County Fiscal Court - Glasgow Water Transmission Lines and Booster Pump to Transfer Water from South of Glasgow to Water Tank on Highway 90		
	Bond Funds	400,000	-0-
002.	Caveland Environmental at Park City - Utility Infrastructure		
	Bond Funds	650,000	-0-
003.	Glasgow Water and Sewer District - Line Extensions		
	Bond Funds	500,000	-0-
Bath County			
001.	Bath County Fiscal Court - Sewer Line Extension 3 Miles of Collection Lines		

	Bond Funds	450,000	-0-
002.	City of Sharpsburg - Water Line Extensions		
	Bond Funds	350,000	-0-
Boone County			
001.	Boone County Fiscal Court - Cleek Road Water Line Extension		
	Bond Funds	50,000	-0-
002.	Boone County Fiscal Court - Conner Road Water Line Extensions		
	Bond Funds	50,000	-0-
003.	Boone County Fiscal Court - Frogtown Road Water Line Extensions		
	Bond Funds	150,000	-0-
004.	Boone County Fiscal Court - Richwood Road Exit 12 Inch Main		
	Bond Funds	300,000	-0-
005.	Boone County Fiscal Court - Route 8 Extension		
	Bond Funds	500,000	-0-
Bourbon County			
001.	Bourbon County Fiscal Court - Centerville Sewer Project		
	Bond Funds	400,000	-0-
Boyle County			
001.	Boyle Fiscal Court - Perryville Line Replacement		
	Bond Funds	35,000	-0-
002.	City of Danville - Plant Upgrade		
	Bond Funds	300,000	-0-
003.	City of Junction City - Junction City Water and Sewer Projects		
	Bond Funds	400,000	-0-
Bracken County			
001.	Bracken County Water District - 875/10 Eastern Area (WX1023003)		
	Bond Funds	265,000	-0-
002.	Bracken Fiscal Court - Augusta - Rt. 8 Project		
	Bond Funds	80,000	-0-
003.	Bracken Fiscal Court - Augusta I & I & SSES Studies (SX21023004)		
	Bond Funds	150,000	-0-
004.	Bracken Fiscal Court - Brooksville I & I & SSES Studies (SX21023003)		
	Bond Funds	100,000	-0-
Breckinridge County			
001.	Breckinridge County Fiscal Court - Hardinsburg Water System		
	Bond Funds	200,000	-0-
002.	City of Hardinsburg - Facility Plan		
	Bond Funds	75,000	-0-
003.	Ohio County Water District - Extend Water Lines into Breckinridge County		
	Bond Funds	175,000	-0-
Bullitt County			

001.	Bullitt County Fiscal Court - Fox Chase Water and Sewer Projects		
	Bond Funds	50,000	-0-
002.	Bullitt County Fiscal Court - Hebron Estates Water and Sewer Projects		
	Bond Funds	50,000	-0-
003.	Bullitt County Fiscal Court - Hillview Water and Sewer Projects		
	Bond Funds	75,000	-0-
004.	Bullitt County Fiscal Court - Lebanon Junction Sewer Expansion		
	Bond Funds	100,000	-0-
005.	Bullitt County Fiscal Court - Mt. Washington Water and Sewer Projects		
	Bond Funds	75,000	-0-
006.	Bullitt County Fiscal Court - Pioneer Village Water and Sewer Projects		
	Bond Funds	50,000	-0-
007.	Bullitt County Fiscal Court - Shepherdsville Water and Sewer Projects		
	Bond Funds	75,000	-0-
008.	Bullitt County Fiscal Court - Water Line Extensions		
	Bond Funds	112,000	-0-
009.	Bullitt County Fiscal Court - Water Line Extensions		
	Bond Funds	17,500	-0-
010.	Bullitt County Fiscal Court - Water Lines Hill Top Road from Hwy 44 to End (WX021029076)		
	Bond Funds	399,000	-0-
Caldwell County			
001.	Caldwell County Water District - Water Tank (WX21033004)		
	Bond Funds	300,000	-0-
002.	Princeton-Fontain/Meadow Lane Sewer Line (SX2103301)		
	Bond Funds	400,000	-0-
Calloway County			
001.	Calloway County Fiscal Court - Industrial Park Water and Sewer Project		
	Bond Funds	250,000	-0-
002.	Dexter-Almo Water District - Water Line Extensions (WX21035012)		
	Bond Funds	185,000	-0-
003.	Murray Water & Sewer District - Water Line Extensions (WX21035007)		
	Bond Funds	280,000	-0-
004.	Murray Water And Sewer - KY 80 and Branwood Park Sewer Expansion to Unserved Areas (SX21035009)		
	Bond Funds	140,000	-0-
005.	Murray Water and Sewer - Sewer Line Extension (SX21035010)		
	Bond Funds	525,000	-0-
006.	Murray Water and Sewer - Waterline Improvement 12" Line Installation (WX21035013)		

	Bond Funds	270,000	-0-
007.	Murray Water District 2 - Hwy 1215/Paris Rd./Tobacco Rd. Water Line Extension (WX21035004)		
	Bond Funds	300,000	-0-
Campbell County			
001.	Northern Kentucky Water District - Water Line Extension (WX21037552)		
	Bond Funds	688,000	-0-
Carlisle County			
001.	City of Arlington - Replace and/or Repair Leaking Sewer Mains		
	Bond Funds	190,000	-0-
002.	City of Bardwell - Replace and/or Repair Leaking Sewer Mains		
	Bond Funds	190,000	-0-
003.	Cunningham Water District - Paint Tower and Run Extension to New Subdivision		
	Bond Funds	20,000	-0-
004.	Milburn Water District - Paint Tower and Install New Meters		
	Bond Funds	30,000	-0-
Carroll County			
001.	Carrollton Utilities - Carroll County Regional Sewer Sanitary Sewer Improvements - Happy Hollow Resort/Old 227 Mobile Home Park/Park Acres/Woodlawn Subdivision/ Dan Hawkins Extension/ Easterday/ Boone Rd. Ext.		
	Bond Funds	500,000	-0-
Carter County			
001.	City of Grayson - Route 1 Project (SX21043002)		
	Bond Funds	150,000	-0-
002.	City of Olive Hill - Cemetery Road Project (SX21043020)		
	Bond Funds	175,000	-0-
003.	City of Olive Hill - Olive Hill College Hill Project (SX21043012)		
	Bond Funds	175,000	-0-
004.	Grayson Utility Commission - New Water Intake at WTP (WX21043003)		
	Bond Funds	300,000	-0-
005.	Rattlesnake Ridge Water District - RRWD Phase VIII (WX21043020)		
	Bond Funds	200,000	-0-
Casey County			
001.	Casey County Fiscal Court - East Casey Water - Water Project		
	Bond Funds	150,000	-0-
002.	Casey County Fiscal Court - Liberty Sewer Project		
	Bond Funds	50,000	-0-
003.	Casey County Sewer - Loretto Water Project		
	Bond Funds	150,000	-0-
004.	City of Liberty - Water Line/Sewer Line Extensions for Industrial Development		
	Bond Funds	500,000	-0-

Clark County

001.	Clark County Fiscal Court - I-64 Interstate Bore Hoods Creek (SX21049017)		
	Bond Funds	325,000	-0-
002.	Clark County Fiscal Court - Lower Howards Creek Backbone Interceptor/Pump Station (SX21049004)		
	Bond Funds	500,000	-0-
003.	Clark County Fiscal Court - Winchester Municipal Utilities - South Main Wastewater (SX21049016)		
	Bond Funds	325,000	-0-
004.	Clark County Fiscal Court - Winchester Municipal Utilities - US 60/ EKP Sanitary Sewer (SX21049012)		
	Bond Funds	100,000	-0-

Clinton County

001.	City of Albany - Sewer Plant Upgrade		
	Bond Funds	662,000	-0-
002.	City of Albany - Water Line Extensions		
	Bond Funds	180,000	-0-
003.	Clinton County Fiscal Court - Albany Water Treatment Plant Sludge Conditioning System		
	Bond Funds	150,000	-0-
004.	Clinton County Fiscal Court - Fire Hydrants		
	Bond Funds	60,000	-0-

Crittenden County

001.	City of Marion - Wastewater Improvements (SX21055001)		
	Bond Funds	250,000	-0-
002.	Crittenden/Livingston County Water District - Source Water Intakes (WX21139002)		
	Bond Funds	500,000	-0-

Cumberland County

001.	Cumberland County Water District - Line Extensions		
	Bond Funds	700,000	-0-
002.	Cumberland County Water District - Storage Tank		
	Bond Funds	477,000	-0-

Edmonson County

001.	Edmonson County Water District - Telemetry and Pump Controls		
	Bond Funds	40,000	-0-
002.	Edmonson County Water District - Water Line Extension (WX21061001)		
	Bond Funds	240,000	-0-
003.	Edmonson County Water District - Water Line Extension into Hart County		
	Bond Funds	210,000	-0-
004.	Edmonson County Water District - Water Line Extensions (WX21061019)		
	Bond Funds	380,000	-0-

Estill County

001.	Estill County Fiscal Court - Various Water and Sewer Projects		
	Bond Funds	750,000	-0-

Fayette County

001.	Lexington-Fayette Urban County Government - LFUCG-Division Sanitary Sewers (SX210670003)		
	Bond Funds	1,000,000	-0-
002.	Lexington-Fayette Urban County Government - Provide Enhanced Nutrient Removal for Blue Sky WWTP (SX21067007)		
	Bond Funds	600,000	-0-
003.	Lexington-Fayette Urban County Government - Providing Service to Remaining Unsewered Areas (SX2167001)		
	Bond Funds	1,000,000	-0-

Fleming County

001.	City of Ewing - Ewing Sewer (SX21069004)		
	Bond Funds	250,000	-0-
002.	City of Flemingsburg - Cherry Grove Road Sewer Project (SX21069001)		
	Bond Funds	165,000	-0-
003.	City of Flemingsburg - Pump Station Upgrade (SX21069002)		
	Bond Funds	100,000	-0-
004.	Fleming County Water District - Water System Improvements (WX21069007)		
	Bond Funds	50,000	-0-
005.	Greater Fleming County Regional Water Commission - 2005 Water Line Extensions (WX21069009)		
	Bond Funds	50,000	-0-

Franklin County

001.	City of Frankfort - Holmes Street Sewers - Sewer Expansion (SX21073002)		
	Bond Funds	695,000	-0-
002.	Franklin County Fiscal Court - North Shelby Water District - Frankfort Plant Board - Bain Moore Hill Water Project		
	Bond Funds	225,000	-0-
003.	Franklin County Fiscal Court - Peaks Mill Water District - Knights Bridge Area Water Project (WX21073003)		
	Bond Funds	330,000	-0-

Fulton County

001.	City of Fulton - Water Line Extension to New Growth Area		
	Bond Funds	250,000	-0-
002.	City of Hickman - Replace Water Lines, Replace Aging Fire Plug, Replacements to Both Water Treatment Plant and Wastewater Plant		
	Bond Funds	100,000	-0-

Gallatin County

001.	Gallatin County Fiscal Court - Sewer Line Expansion Within County		
	Bond Funds	400,000	-0-

Garrard County

001.	City of Lancaster - Inter-Connection Improvements for Water		
	Bond Funds	100,000	-0-
002.	City of Lancaster - Lancaster Waste Water Treatment Plant Systems Upgrade		

	Bond Funds	50,000	-0-
003.	City of Lancaster - Sewer Line Extension		
	Bond Funds	50,000	-0-
004.	City of Lancaster - Sewer Line Extensions - Buckeye Street		
	Bond Funds	90,000	-0-
005.	Garrard County Fiscal Court - Lancaster Water and Sewer Projects		
	Bond Funds	250,000	-0-
006.	Garrard County Water Association - Water Line Extension		
	Bond Funds	75,000	-0-
007.	Garrard County Water Association - Water Line Projects		
	Bond Funds	50,000	-0-
008.	Garrard Fiscal Court - Recreation Park Water Lines		
	Bond Funds	25,000	-0-
Grant County			
001.	Grant County Fiscal Court - Water and Sewer Projects		
	Bond Funds	600,000	-0-
Graves County			
001.	City of Mayfield Electric and Water System - Radio Controlled Telemetry/Mapping Project		
	Bond Funds	100,000	-0-
002.	Consumers Water District - Cuba Water Transmission Project		
	Bond Funds	280,000	-0-
003.	Fancy Farm Water and Sewer District - Mayfield/Fancy Farm Water Interconnect and KY 80 Extension		
	Bond Funds	495,000	-0-
004.	Fancy Farm Water and Sewer District - Wastewater Treatment Plant Upgrade		
	Bond Funds	255,000	-0-
005.	Fancy Farm Water Sewer District KY 339 and Carrico Rd. Sanitary Sewer Extension		
	Bond Funds	320,000	-0-
006.	Hardimon Water District - Water Tank Repairs		
	Bond Funds	100,000	-0-
007.	Symsonia Water and Sewer District - Water Line Extensions		
	Bond Funds	150,000	-0-
Grayson County			
001.	City of Caneyville - Water Line Extension		
	Bond Funds	125,000	-0-
002.	City of Leitchfield - Waste Water Improvements		
	Bond Funds	100,000	-0-
003.	Grayson County Fiscal Court - Caneyville Sewer Plant Upgrade		
	Bond Funds	100,000	-0-
004.	Grayson County Fiscal Court - Leitchfield Sewer Facility Upgrade		
	Bond Funds	150,000	-0-
005.	Grayson County Fiscal Court - Storage Tank Near Rough River State Park		

	Bond Funds	150,000	-0-
006.	Grayson County Fiscal Court - Water Tanks		
	Bond Funds	250,000	-0-
Green County			
001.	City of Greensburg - Sewer Lines		
	Bond Funds	221,000	-0-
002.	Green County Fiscal Court - Greensburg Water Renovations Project		
	Bond Funds	75,000	-0-
003.	Green County Fiscal Court - Summersville Sewer Project		
	Bond Funds	75,000	-0-
Hancock County			
001.	City of Lewisport - Water Line Extensions		
	Bond Funds	100,000	-0-
002.	Hancock County Fiscal Court - Water Line Expansion		
	Bond Funds	100,000	-0-
Hardin County			
001.	City of Radcliff - Replacement of Two EQ Basin Liners		
	Bond Funds	450,000	-0-
002.	City of Radcliff - Upgrade Boone Trace Lift Station to Relieve Overload		
	Bond Funds	450,000	-0-
003.	City of Vine Grove - Sewer and Water Line Expansion Hwy 313		
	Bond Funds	850,000	-0-
004.	City of West Point - Sanitary Sewer System Expansion Project		
	Bond Funds	122,000	-0-
005.	City of West Point - Water Line Extension		
	Bond Funds	200,000	-0-
006.	Hardin County Water District #2 - Phase 4 2020 Plan		
	Bond Funds	1,000,000	-0-
007.	Hardin County Water District #2 - Quality Assurance Maintenance Project - Upgrades and Required Maintenance on Existing Infrastructures		
	Bond Funds	250,000	-0-
Harrison County			
001.	City of Cynthiana - Waste Water Plant (SX21097001)		
	Bond Funds	650,000	-0-
002.	Harrison County Water Association - Telemetry Upgrade (WX21097003)		
	Bond Funds	35,000	-0-
Hart County			
001.	Green River Valley Water District - Water Lines Hart County - Hatcher Valley Road		
	Bond Funds	200,000	-0-
002.	Green River Water District - Storage Tank		
	Bond Funds	200,000	-0-
003.	Hart Fiscal Court - Industrial Park Infrastructure/Mazetti Project		

Bond Funds	500,000	-0-
Henry County		
001. City of Campbellsburg Water Works - Carrollton Regional Force Main (SX21103002)		
Bond Funds	750,000	-0-
002. City of Eminence - Eminence Sewer Project		
Bond Funds	150,000	-0-
003. City of Eminence - North Main Street Pumping Station (SX21103003)		
Bond Funds	90,000	-0-
Hickman County		
001. City of Clinton - Engineering Plans and Construction Funds to Revamp Sewer System		
Bond Funds	250,000	-0-
002. City of Columbus - Paint Tower, Extensions, and Purchase New Water Meters		
Bond Funds	20,000	-0-
Jefferson County		
001. Metropolitan Sewer District - Sewer Improvements		
Bond Funds	6,500,000	-0-
Jessamine County		
001. City of Nicholasville - McGee Lane Water Main Line Extension (WX21113009)		
Bond Funds	180,000	-0-
002. City of Wilmore - Water Connection		
Bond Funds	100,000	-0-
003. Jessamine County Water District #1 - Water System Improvements (WX1113010)		
Bond Funds	720,000	-0-
004. Jessamine South Elkhorn Water District - Southeast Rural Jessamine Unserved Areas (WX21113004)		
Bond Funds	800,000	-0-
Kenton County		
001. Northern Kentucky Water District - Water Line Extension		
Bond Funds	500,000	-0-
Larue County		
001. City of Hodgenville - Water Line Extension		
Bond Funds	114,000	-0-
002. Larue County Water District #1 - Water Line Extensions (WX21123001)		
Bond Funds	500,000	-0-
Lewis County		
001. Garrison-Quincy Water District - Water Tank and Line Extension (WX21135006)		
Bond Funds	200,000	-0-
002. Lewis County Fiscal Court - Establish Collection System to Serve 0-2 Year Planning Area (SX21135001)		
Bond Funds	50,000	-0-
003. Lewis County Sanitation District #1 - Industrial Park Development (SX21135004)		
Bond Funds	130,000	-0-

004.	Lewis County Sanitation District - Line Extension, Grinder Pumps, Lift Station		
	Bond Funds	300,000	-0-
005.	Vanceburg Electric Plant Board - Extensions, Tank Repair and Well (WX21135005)		
	Bond Funds	170,000	-0-
006.	Western Lewis Rectorville Water District - Phase IV - Chaulk Ridge Project		
	Bond Funds	200,000	-0-
Lincoln County			
001.	Lincoln County Fiscal Court - Crab Orchard Water Line Repair and Expansions		
	Bond Funds	65,000	-0-
002.	Lincoln County Fiscal Court - Houstonville Water Line Repair and Expansion		
	Bond Funds	65,000	-0-
003.	Lincoln County Fiscal Court - Stanford - Chancellor Road Water Line Expansion		
	Bond Funds	70,000	-0-
004.	Lincoln County Water Commission - Sewer Line Extension		
	Bond Funds	500,000	-0-
Livingston County			
001.	City of Grand Rivers - Sewer System Improvements (SX21139001)		
	Bond Funds	200,000	-0-
002.	Ledbetter Sewer District - Sewer Improvements		
	Bond Funds	50,000	-0-
Logan County			
001.	Logan County Fiscal Court - Russellville and Alburn CIMA		
	Bond Funds	200,000	-0-
002.	Logan/Todd Water District - Debt Retirement		
	Bond Funds	388,000	-0-
Lyon County			
001.	Lyon County Fiscal Court - Kuttawa Collection System Expansion		
	Bond Funds	375,000	-0-
Madison County			
001.	City of Berea - Berea Sewer Project		
	Bond Funds	50,000	-0-
002.	Madison County Fiscal Court - Madison County Utilities - Clarksville - Terrill Sewer Project		
	Bond Funds	750,000	-0-
003.	Madison County Utility District - Water Line Improvement		
	Bond Funds	50,000	-0-
004.	Northern Madison County Sanitation District - I-75 Area (SX21151001)		
	Bond Funds	1,000,000	-0-
005.	Southern Madison Water District - Water and Sewer Projects		
	Bond Funds	500,000	-0-
Marion County			

001.	City of Loretto - Sewer Treatment Plant		
	Bond Funds	250,000	-0-
002.	Marion County Fiscal Court - Brandfordsville Sewer		
	Bond Funds	100,000	-0-
003.	Marion County Fiscal Court - Line Extensions		
	Bond Funds	205,000	-0-
004.	Marion County Sewer - Brandfordsville - Water Project		
	Bond Funds	50,000	-0-

Marshall County

001.	Marshall County Fiscal Court - Jonathan Creek - Hwy 962/Palestine Rd. Hwy 80 Line Extensions and Various Water Line Extensions		
	Bond Funds	1,125,000	-0-
002.	Marshall County Fiscal Court - Water Tank Rehabilitation		
	Bond Funds	125,000	-0-

Mason County

001.	City of Germantown - Germantown Sewers Upgrade (SX21161001)		
	Bond Funds	150,000	-0-
002.	Mason Fiscal Court - Mays Lick 201 (SX21161003)		
	Bond Funds	60,000	-0-
003.	Maysville Utility - Reservoir Rehabilitation		
	Bond Funds	75,000	-0-
004.	Maysville Utility - Stone Lick Line Extension		
	Bond Funds	150,000	-0-
005.	Western Lewis Rectorville - Phase IV Chaulk Ridge Project (WX21161001)		
	Bond Funds	243,000	-0-
006.	Western Mason Water District - Water System Improvements (WS21161010)		
	Bond Funds	100,000	-0-

McCracken County

001.	Paducah McCracken Joint Sewer District - Hansen Road and North Friendship Road Relocation		
	Bond Funds	750,000	-0-
002.	Paducah McCracken Joint Sewer District - Sewer Line Extension, Lift Station, Force Main		
	Bond Funds	350,000	-0-
003.	West McCracken Water District - Construction of 3.5 Miles of 6" PVC Water Main to Serve 75 Homes and Two Businesses		
	Bond Funds	200,000	-0-

McCreary County

001.	McCreary Water District - Sewer System Extension		
	Bond Funds	300,000	-0-

Meade County

001.	City of Brandenburg - Sewer Project - Up-grade of Middle School Lift Station		
	Bond Funds	350,000	-0-
002.	City of Muldraugh - Sewer Project - Sewer Line/Pump Station Rehabilitation		
	Bond Funds	93,903	-0-

003.	Meade County Water District - KY 1816 Grid - Tie WM Extension		
	Bond Funds	118,597	-0-
004.	Meade County Water District - Phase VI Project Molly Brown Road/KY 79 WM Extension		
	Bond Funds	516,500	-0-
Mercer County			
001.	Lake Village Water Association - Contract 13 Upgrades (WX2167009)		
	Bond Funds	500,000	-0-
002.	Mercer Co. Fiscal Court - Wastewater Planning for County (SX21167006)		
	Bond Funds	50,000	-0-
003.	North Mercer Water District - 2004 Extensions (WX21167007)		
	Bond Funds	400,000	-0-
Metcalfe County			
001.	Metcalfe County Fiscal Court - Edmonton City Park Water and Sewer Project		
	Bond Funds	75,000	-0-
002.	Metcalfe County Fiscal Court - Water Line Extensions		
	Bond Funds	75,000	-0-
003.	Metcalfe County Fiscal Court - Water Line Extensions		
	Bond Funds	200,000	-0-
Monroe County			
001.	City of Tompkinsville - Sewer Line Rehabilitation		
	Bond Funds	200,000	-0-
002.	City of Tompkinsville - Treatment Plant Upgrade		
	Bond Funds	250,000	-0-
003.	Monroe County Fiscal Court - Fountain Run Water and Sewer Projects		
	Bond Funds	50,000	-0-
004.	Monroe County Water District - Pump Station		
	Bond Funds	56,000	-0-
005.	Monroe County Water District - Sewer Upgrade		
	Bond Funds	20,000	-0-
006.	Monroe County Water District - Tank Repairs		
	Bond Funds	24,000	-0-
007.	Monroe County Water District - Water Line Extension and Pump Booster		
	Bond Funds	120,000	-0-
008.	Monroe County Water District - Water Projects		
	Bond Funds	100,000	-0-
009.	Monroe Water District - Fountain Run Line Extensions		
	Bond Funds	55,000	-0-
Montgomery County			
001.	Judy Water Association - Installation of Flush Hydrants (WX21173035)		
	Bond Funds	100,000	-0-
002.	Judy Water Association - Meter Change Out Program (WX21173034)		

	Bond Funds	50,000	-0-
003.	Levee Water District - New Water Tank (WX21173014)		
	Bond Funds	187,500	-0-
004.	Reid Village Water District - 100,000 Gallon Tank (WX21173039)		
	Bond Funds	187,500	-0-
Nelson County			
001.	Nelson County Fiscal Court - City of Bardstown - 250,000 Gallon Water Tank Woodlawn Road Area		
	Bond Funds	1,200,000	-0-
Nicholas County			
001.	City of Carlisle Wastewater Treatment Plant - Wastewater System Improvements (SX21181001)		
	Bond Funds	300,000	-0-
Oldham County			
001.	Oldham County Fiscal Court - Water Line Extensions to Badgett Property Industrial Park (WX021185041)		
	Bond Funds	400,000	-0-
002.	Oldham County Sanitation District - Buckner Sewer System Upgrade		
	Bond Funds	600,000	-0-
003.	Oldham County Water District		
	Bond Funds	100,000	-0-
Owen County			
001.	Owen County Fiscal Court - Water Project to Extend Water Lines in Owen County		
	Bond Funds	750,000	-0-
Pendleton County			
001.	City of Butler - Phase I Sewer System Rehabilitation (SX21191310)		
	Bond Funds	429,920	-0-
002.	City of Butler - Phase II Sewer System Rehabilitation East Side Park and Northern Elementary		
	Bond Funds	700,000	-0-
Powell County			
001.	City of Clay City - Inflow/Infiltration Project		
	Bond Funds	212,500	-0-
002.	City of Stanton - Wastewater Treatment Plant Expansion		
	Bond Funds	212,500	-0-
Pulaski County			
001.	Burnside Municipal Water Works - Water Line Extensions		
	Bond Funds	100,000	-0-
002.	City of Somerset - Regional Sewer Plant		
	Bond Funds	250,000	-0-
003.	City of Somerset - Water Line Extensions		
	Bond Funds	50,000	-0-
004.	Eubank Water District - Water Line Extensions		
	Bond Funds	50,000	-0-
005.	Pulaski County Fiscal Court - Eubank Water Project		
	Bond Funds	25,000	-0-

006.	Pulaski County Fiscal Court - Science Hill Water and Sewer Project		
	Bond Funds	50,000	-0-
007.	Pulaski County Fiscal Court - Somerset Sewer Expansion		
	Bond Funds	100,000	-0-
008.	Southeast Water Association - Water Line Extension		
	Bond Funds	100,000	-0-
009.	Southeast Water Association -Water Line Extension		
	Bond Funds	250,000	-0-
010.	Southeastern Water Association - Water Line Expansions		
	Bond Funds	250,000	-0-
Robertson County			
001.	City of Mt. Olivet - Brierly Ridge Road Water Line (WX21201003)		
	Bond Funds	84,200	-0-
002.	City of Mt. Olivet - Crescent Hill, Bentley Court, US 62 Water Line Replacement (WX21201006)		
	Bond Funds	50,500	-0-
003.	City of Mt. Olivet - Reed Lane Water Line (WX21201007)		
	Bond Funds	45,000	-0-
Rockcastle County			
001.	City of Brodhead - Water Tank Replacement		
	Bond Funds	300,000	-0-
002.	Rockcastle County Fiscal Court - Livingston Water Line Repair and Expansion		
	Bond Funds	350,000	-0-
003.	Rockcastle County Fiscal Court - Mt. Vernon Water Line Repair and Expansion		
	Bond Funds	350,000	-0-
Rowan County			
001.	Rowan County Fiscal Court - Morehead Utility Plant Board - Skeens Truck Sewer Project - (SX21205018)		
	Bond Funds	250,000	-0-
Russell County			
001.	City of Jamestown - Water Plant Expansion		
	Bond Funds	500,000	-0-
002.	Russell County Fiscal Court - Jamestown Water Plant Expansion		
	Bond Funds	150,000	-0-
Scott County			
001.	City of Georgetown - Sewer Service For Etterwood Subdivision		
	Bond Funds	1,000,000	-0-
002.	Scott County Fiscal Court - Scott County Reservoir Project		
	Bond Funds	900,000	-0-
Shelby County			
001.	North Shelby Water District - Water Line Extensions		
	Bond Funds	300,000	-0-
002.	Shelby County Fiscal Court - Shelbyville Wastewater Treatment Plant Expansion		

	Bond Funds	100,000	-0-
003.	Shelby County Fiscal Court - Simpsonville Wastewater Treatment Plant Expansion		
	Bond Funds	100,000	-0-
004.	Shelby County Fiscal Court - Water Treatment Plant Improvement Project		
	Bond Funds	100,000	-0-
005.	Shelby/Simpsonville Sewer Commission - Upgrade Wastewater Plant		
	Bond Funds	650,000	-0-
Simpson County			
001.	City of Franklin - Various Water Supply and Sewer Improvements		
	Bond Funds	350,000	-0-
002.	Simpson County Fiscal Court - Water Supply and Fire Protection Improvements		
	Bond Funds	361,000	-0-
003.	Simpson County Water District - Hwy 100W Pump Station (WX21213005)		
	Bond Funds	99,000	-0-
004.	Simpson County Water District - Upgrade Rapids Pump Station - SCB		
	Bond Funds	65,000	-0-
Spencer County			
001.	City of Taylorsville - Sewer Treatment Plant		
	Bond Funds	100,000	-0-
002.	Spencer County Fiscal Court - City of Taylorsville Sewer System Expansion (SX21215001)		
	Bond Funds	100,000	-0-
003.	Spencer County Fiscal Court - County Wide Extension - Phase III		
	Bond Funds	50,000	-0-
004.	Taylorsville Water Works - Water Line Extension		
	Bond Funds	250,000	-0-
005.	U.S. 60 Water District - Water Line Extension on U.S. 60 WX22		
	Bond Funds	80,000	-0-
Taylor County			
001.	Taylor County Fiscal Court - Industrial Park Infrastructure		
	Bond Funds	500,000	-0-
002.	Taylor County Fiscal Court - Sewer and Water Line Extensions		
	Bond Funds	500,000	-0-
Todd County			
001.	Todd County Fiscal Court - Elkton ($100,000) and Guthrie ($100,000) - Sewers		
	Bond Funds	200,000	-0-
Trigg County			
001.	Barkley Lake Water District - Water Projects		
	Bond Funds	650,000	-0-
002.	Trigg County - City of Cadiz - Wastewater Treatment Plant		

	Expansion (SX21221001)		
	Bond Funds	200,000	-0-
Trimble County			
001.	City of Bedford - Wastewater System Expansion (SX21223006)		
	Bond Funds	250,000	-0-
002.	City of Milton - Water Line Upgrade (WX21223019)		
	Bond Funds	140,000	-0-
003.	Trimble County Water District - Water System Improvement Project (WX21223020)		
	Bond Funds	105,000	-0-
Warren County			
001.	Warren County Water District - 68W Reservoir/to 68W Reservoir/ Hillwood Pump Station/Hwy 1083 Check Valve and Master Meter (WX21227032)		
	Bond Funds	583,400	-0-
002.	Warren County Water District - Hwy 31 W North Water Project (WX21227025)		
	Bond Funds	280,000	-0-
003.	Warren County Water District - North Warren County Water and Sewer Improvement Project (SX21227014)		
	Bond Funds	1,250,000	-0-
004.	Warren County Water District - Oakland Rd./Hays #2 Pump Station (WX21227025)		
	Bond Funds	370,000	-0-
005.	Warren County Water District - Parkway Interceptor Phase 2 (SX21227013)		
	Bond Funds	500,000	-0-
006.	Warren County Water District - Sandhill Rd./Norris Rd./Hwy 1297 Pressure Regulator Station/ Hwy 185 at Garvin Ln./ Old Hwy 185/Rigelwood Drive/Hwy 185 at Green River (WX21227024)		
	Bond Funds	166,600	-0-
Washington County			
001.	City of Springfield - Sewer Improvements		
	Bond Funds	750,000	-0-
Wayne County			
001.	Monticello Utility Commission - Sewer Project		
	Bond Funds	300,000	-0-
002.	Monticello Utility Commission - Water Line Expansions		
	Bond Funds	50,000	-0-
Wolfe County			
001.	City of Campton - Campton Water Plant (WX21237050)		
	Bond Funds	300,000	-0-
002.	City of Campton - Various Water Line Extensions in Hazel Green Area for Unserved Areas		
	Bond Funds	300,000	-0-
003.	City of Campton - Various Water Line Extensions in Lee City to Unserved Areas		
	Bond Funds	300,000	-0-
Woodford County			

001.	City of Midway - Water Loss Reduction Project (WX21239007)		
	Bond Funds	170,000	-0-
002.	City of Versailles - Water Improvements for the City of Versailles (WX21239008)		
	Bond Funds	1,000,000	-0-
003.	Northeast Woodford Water District - Distribution System Extension (WX21239009)		
	Bond Funds	67,135	-0-
004.	South Woodford Water District - Water Line Extensions and Storage Tank (WX21239006)		
	Bond Funds	512,865	-0-

PART III

GENERAL PROVISIONS

1. **Funds Designations and Sources:** Restricted Funds designated in the biennial budget bills are classified in the state financial records and reports as the Agency Revenue Fund, State Enterprise Funds (State Parks, State Fair Board, Insurance Administration, and Kentucky Horse Park), Internal Services Funds (Fleet Management, Computer Services, Correctional Industries, Central Printing, Risk Management, and Property Management), and selected Fiduciary Funds (Other Expendable Trust Funds). Separate funds records and reports shall be maintained in a manner consistent with the branch budget bills.

The sources of Restricted Funds appropriations in this Act shall include all fees (which includes fees for room and board, athletics, and student activities) and rentals, admittances, sales, bond proceeds, licenses collected by law, gifts, subventions, contributions, income from investments, and other miscellaneous receipts produced or received by a budget unit, except as otherwise specifically provided, for the purposes, use, and benefit of the budget unit as authorized by law. Restricted Funds receipts shall be credited and allotted to the respective fund or account out of which a specified appropriation is made in this Act. All receipts of Restricted Funds shall be deposited in the State Treasury and credited to the proper account as provided in KRS Chapters 12, 42, 45, and 48.

The sources of Federal Funds appropriations in this Act shall include federal subventions, grants, contracts, or other Federal Funds received, income from investments, and other miscellaneous federal receipts received by a budget unit, the Unemployment Compensation Fund, except as otherwise provided, for the purposes, use, and benefit of the budget unit as authorized by law. Federal Funds receipts shall be credited and allotted to the respective fund account out of which a specified appropriation is made in this Act. All Federal Funds receipts shall be deposited in the State Treasury and credited to the proper account as provided in KRS Chapters 12, 42, 45, and 48.

2. **Expenditure of Excess Restricted Funds or Federal Funds Receipts:** If receipts received or credited to the Restricted Funds accounts or Federal Funds accounts of a budget unit during fiscal year 2004-2005 or fiscal year 2005-2006, and any balance forwarded to the credit of these same accounts from the previous fiscal year, exceed the appropriation made by specific sum for these accounts of the budget unit as provided in Part I, Operating Budget, of this Act, for the fiscal year in which the excess occurs, the excess funds in the accounts of the budget unit shall become available for expenditure for the purpose of the account during the fiscal year only upon compliance with the conditions and procedures specified in KRS 48.400, 48.500, 48.600, 48.605, 48.610, 48.620, 48.630, 48.700, 48.705, 48.710, 48.720, 48.730, 48.800, and 48.810 and this Act, and with the authorization of the State Budget Director and approval of the Secretary of the Finance and Administration Cabinet.

Prior to authorizing the appropriation of any excess, unbudgeted Restricted Funds pursuant to this section, the State Budget Director and the Secretary of the Finance and Administration Cabinet shall review the adequacy of the General Fund Surplus Account with respect to its availability to support Necessary Government Expenses. In the event that General Fund Surplus Account moneys are determined by this review to be adequate to meet known or anticipated Necessary Government Expenses during fiscal year 2004-2005 or fiscal year 2005-2006, respectively, then the appropriation increase may be approved. In the event that the review indicates that there are insufficient funds available or reasonably estimated to become available to the General Fund Surplus Account to meet known or projected Necessary Government Expenses for the fiscal years enumerated above, the State Budget Director, with the concurrence of the Secretary of the Finance and Administration Cabinet, may disapprove the request for additional Restricted Funds expenditure authority and may direct the excess Restricted Funds identified to the General Fund Surplus Account in order to meet Necessary Government Expense obligations. The results of any review shall be reported to the Interim Joint Committee on Appropriations and Revenue in accordance with KRS 48.400, 48.500, 48.600, 48.605, 48.610, 48.620, 48.630, 48.700, 48.705, 48.710, 48.720, 48.730, 48.800, and 48.810.

Any request made by a budget unit pursuant to KRS 48.630 that relates to Restricted Funds or Federal Funds shall include documentation showing a comparative statement of revised estimated receipts by fund source and the proposed expenditures by proposed use, with the appropriated sums specified in the Budget of the Commonwealth, and statements which explain the cause, source, and use for any variances which may exist.

Each budget unit shall submit its reports in print and electronic format consistent with the Restricted Funds and Federal Funds records contained in the fiscal biennium 2004-2006 Branch Budget Request Manual and according to the following schedule in each fiscal year: (1) On or before the beginning of each fiscal year; (2) On or before October 1; (3) On or before January 1; and (4) On or before April 1.

3. **Appropriations Expenditure Purpose and Transfer Restrictions:** Funds appropriated in this Act shall not be expended for any purpose not specifically authorized by the General Assembly in this Act nor shall funds appropriated in this Act be transferred to or between any cabinet, department, board, commission, institution, agency, or budget unit of state government unless specifically authorized by the General Assembly in this Act and the provisions of KRS 48.400, 48.500, 48.600, 48.605, 48.610, 48.620, 48.630, 48.700, 48.705, 48.710, 48.720, 48.730, 48.800, and 48.810. Compliance with the provisions of this section shall be reviewed and determined by the Interim Joint Committee on Appropriations and Revenue.

4. **Permitted Appropriation Obligations:** No state agency, cabinet, department, office, or program shall incur any obligation against the General Fund or Road Fund appropriations contained in this Act unless the obligation may be reasonably determined to have been contemplated in the enacted budget and is based upon supporting documentation considered by the General Assembly, legislative and executive records, and the statutory budget memorandum.

5. **Lapse of General Fund or Road Fund Appropriations Supplanted by Federal Funds:** Any General Fund or Road Fund appropriation made in anticipation of a lack, loss, or reduction of Federal Funds shall lapse to the General Fund or Road Fund Surplus Account, respectively, to the extent the Federal Funds otherwise become available.

6. **Federally Funded Agencies:** A state agency entitled to Federal Funds which would represent 100 percent of the cost of a program shall conform to KRS 48.730.

7. **Lapse of Excess General Fund or Road Fund Debt Service Appropriations:** Pursuant to KRS 48.720, any excess General Fund or Road Fund debt service shall lapse to the respective surplus account unless otherwise directed in this Act.

8. **Interim Appropriation Increases:** No appropriation from any fund source shall exceed the sum specified in this Act until the agency has documented the necessity, purpose, use, and source, and the documentation has been submitted to the Interim Joint Committee on Appropriations and Revenue for its review and action in accordance with KRS 48.630. Proposed revisions to an appropriation contained in the enacted State/Executive Budget or allotment of an unbudgeted appropriation shall conform to the conditions and procedures of KRS 48.630 and this Act.

Notwithstanding KRS 48.630(3), (4), and (5), any proposed and recommended actions to increase appropriations for funds specified in Section 2 of this Part shall be scheduled consistent with the timetable contained in that section in order to provide continuous and timely budget information.

9. **Revision of Appropriation Allotments:** Allotments within appropriated sums for the activities and purposes contained in the enacted State/Executive Budget shall conform to KRS 48.610 and may be revised pursuant to KRS 48.605 and this Act.

10. **Continuing Appropriations:** All statutory continuing appropriations in existence at the time this Act takes effect are discontinued and suspended by this Act, except as provided by Chapters 42, 96A, 164, 183, 278, and 441 of the Kentucky Revised Statutes. All statutes and portions of statutes in conflict with any of the provisions of this section, to the extent of the conflict, are suspended unless otherwise provided by this Act.

11. **Construction of Budget Provisions on Prior Fiscal Year Appropriations and Statutory Budget Administration Powers and Duties:** Except as otherwise explicitly authorized by this Act, nothing in this Act shall be construed to repeal any appropriation made heretofore or hereafter for the fiscal year ending June 30, 2004, and nothing in this Act is to be construed as amending or altering the provisions of Chapters 42, 45, and 48 of the Kentucky Revised Statutes pertaining to the duties and powers of the Secretary of the Finance and Administration Cabinet except as otherwise provided in this Act.

12. **Interpretation of Appropriations:** All questions that arise in interpreting any appropriation in this Act as to the purpose or manner for which the appropriation may be expended shall be decided by the Secretary of the Finance and Administration Cabinet pursuant to KRS 48.500, and the decision of the Secretary of the Finance and Administration Cabinet shall be final and conclusive.

13. **Enacted Budget of the Commonwealth:** The State Budget Director shall cause the Governor's Office for Policy and Management, within 60 days of adjournment of the 2004 Regular Session of the General Assembly, to publish a final enacted budget document, styled the Budget of the Commonwealth, based upon the recommended Legislative Budget, State/Executive Budget and Judicial Budget as enacted by the 2004 Regular Session of the General Assembly as well as other Acts which contain appropriation provisions for fiscal year 2003-2004 and the 2004-2006 fiscal biennium, and based upon supporting documentation and legislative records as considered by the 2004 Regular Session of the General Assembly, and the statutory budget memorandum. This document shall include, for each agency and budget unit, a consolidated budget summary statement of available regular and continuing appropriated revenue by fund source, corresponding appropriation allocations by program or subprogram as appropriate, budget expenditures by principal budget class and for the State/Executive Budget, and any other fiscal data and commentary considered necessary for budget execution by the Governor's Office for Policy and Management and oversight by the Interim Joint Committee on Appropriations and Revenue. The enacted State/Executive Budget shall be revised or adjusted only upon approval by the Governor's Office for Policy and Management as provided in each Part of this Act and by KRS 48.400, 48.500, 48.600, 48.605, 48.610, 48.620, 48.630, 48.700, 48.705, 48.710, 48.720, 48.730, 48.800, and 48.810, and upon review and action by the Interim Joint Committee on Appropriations and Revenue.

14. **State Financial Condition:** Pursuant to KRS 48.400, the State Budget Director shall monitor and report on the

financial condition of the Commonwealth.

15. **Prorating Administrative Costs:** The Secretary of the Finance and Administration Cabinet is authorized to establish a system or formula or a combination of both for prorating the administrative costs of the Finance and Administration Cabinet, the Department of Treasury, and the Office of the Attorney General relative to the administration of programs in which there is joint participation by the state and federal governments for the purpose of receiving the maximum amount of participation permitted under the appropriate federal laws and regulations governing the programs. The receipts and allotments under this section shall be reported to the Interim Joint Committee on Appropriations and Revenue prior to any transfer of funds.

16. **Construction of Budget Provisions Regarding Executive Reorganization Orders:** Nothing in this Act shall be construed to confirm or ratify, under KRS 12.027 or 12.028, any executive reorganization order unless the executive order was confirmed or ratified by appropriate amendment to the Kentucky Revised Statutes in an Act of the 2003 Regular Session of the General Assembly or another Act of the 2004 Regular Session of the General Assembly. If any executive reorganization order issued from sine die adjournment of the 2003 Regular Session to sine die adjournment of the 2004 Regular Session was not confirmed by the 2004 Regular Session of the General Assembly, the Secretary of the Finance and Administration Cabinet shall, in consultation with agency heads and with notification to the Legislative Research Commission, transfer the balance of funds for any affected program or function for fiscal year 2003-2004 and any related appropriations and funds for each of the next two fiscal years from the budget unit in which the program or function was placed by the executive reorganization order to the budget unit in which the program or function resided prior to the reorganization action or in which it was placed by action of the 2004 Regular Session of the General Assembly.

17. **Employer Retirement Contribution Rate:** Notwithstanding KRS 61.565, the employer contribution rate for any entity participating in the Kentucky Employees Retirement System shall be as follows: from July 1, 2004, through June 30, 2005, the contribution rates shall be no more than 5.89 percent for nonhazardous duty employees, 18.84 percent for hazardous duty employees, and 21.58 percent for employees of the State Police Retirement System. From July 1, 2005, through June 30, 2006, the employer contribution rate shall be no more than 5.89 percent for nonhazardous duty employees, 18.84 percent for hazardous duty employees, and 21.58 percent for employees of the State Police Retirement System.

18. **Budget Planning Report:** By August 15, 2005, the State Budget Director, in conjunction with the Consensus Forecasting Group, shall provide to each branch of government, pursuant to KRS 48.117, a budget planning report.

19. **Tax Expenditure Revenue Loss Estimates:** By October 15, 2005, the Office of State Budget Director shall provide to each branch of government detailed estimates for the General Fund and Road Fund for the current and next two fiscal years of the revenue loss effected by tax expenditures. The Department of Revenue shall provide assistance and furnish data which is not restricted by KRS 131.190. "Tax expenditure" means an exemption, exclusion, or deduction from the base of a tax, a credit against the tax, a deferral of a tax, or a preferential tax rate. The estimates shall include for each tax expenditure the amount of revenue loss, a citation of the legal authority for the tax expenditure, the year in which it was enacted, and the tax year in which it became effective.

20. **Duplicate Appropriations:** Any appropriation item and sum in Parts I to X of this Act and in an appropriation provision in another Act of the 2004 Regular Session which constitute a duplicate appropriation shall be governed by KRS 48.312.

21. **Priority of Individual Appropriations:** KRS 48.313 shall control when a total or subtotal figure in this Act conflicts with the sum of the appropriations of which it consists.

22. **Severability of Budget Provisions:** Appropriation items and sums in Parts I to X of this Act shall conform to KRS 48.311. If any section, any subsection, or any provision is found by a court of competent jurisdiction in a final, unappealable order to be invalid or unconstitutional, the decision of the courts shall not affect or impair any of the remaining sections, subsections, or provisions.

23. **Unclaimed Lottery Prize Money:** For fiscal year 2004-2005 and fiscal year 2005-2006, all unclaimed lottery prize money under KRS 154A.110(3) shall be credited to the Student Financial Aid and Advancement Trust Fund to be held as a subsidiary account for the purpose of funding the Kentucky Excellence in Education Scholarship (KEES) Program as appropriated in this Act. Upon the effective date of this Act, the balance of funds in the KEES Program Reserve Account as established by 2003 Ky. Acts ch. 156, Part III, section 24., shall be transferred to the KEES Reserve subsidiary account of the Student Financial Aid and Advancement Trust Fund. If the Kentucky Higher Education Assistance Authority certifies to the State Budget Director that the appropriations in this Act for the KEES Program under the existing award schedule are insufficient to meet funds required for eligible applicants, then the State Budget Director shall provide the necessary allotment of funds in the balance of the Subsidiary Account to fund the KEES Program. Actions taken under this section shall be reported to the Interim Joint Committee on Appropriations and Revenue on a timely basis.

24. **Technology Trust Fund:** The Technology Trust Fund is the Technology Trust Fund established by 1996 Ky. Acts ch. 380, Part X, to empower Kentucky state government through technology and redesigned business systems, and additional amounts made available and appropriated to it by the 1998 Regular Session in House Bill 321 (1998 Ky. Acts ch. 615, Part X).

Appropriations allotted from the Technology Trust Fund for each project, initiative, or system, as well as all other associated resources made available from regular appropriations for the same purpose from a budget unit shall be transferred and credited to, and accounted for and expended from, a discrete account established for the individual project, initiative, or system item. In addition to the General Fund appropriations for the Technology Trust Fund, Restricted Funds, Federal Funds, the Road

Fund, private funds, and any matching fund appropriations required are appropriated in support of the projects and priorities previously identified by the Empower Kentucky Steering Committee. However, notwithstanding KRS 45.760(14), 45.770, 45.780, and 45.800, no funds from the Emergency Repair, Maintenance, and Replacement Account shall be used for Technology Trust Fund projects, systems, or initiatives.

25. **General Fund and Road Fund Budget Reduction Plans and Orders:** The General Assembly acknowledges that during fiscal year 2003-2004 the General Fund revenues were less than the enacted estimates pursuant to KRS 48.120(3) and that the 2002 General Assembly had enacted the legislative branch budget bill in 2002 Ky. Acts ch. 172 and the 2003 General Assembly had enacted the executive and judicial branch budget bills in 2003 Ky. Acts chs. 156 and 14 as contained in the Appendices to KRS Chapter 47 based upon the anticipated revenue estimates.

The 2003 General Assembly enacted the 2002-2004 biennium General Fund Budget Reduction Plan for fiscal year 2003-2004 in 2003 Ky. Acts ch. 156 Part VI, for state government pursuant to KRS 48.130(1) and (3). These statutes and Acts provide direction and authority by which the heads of the executive, judicial, and legislative branches shall revise and reduce appropriations and allotments and other deficit alleviation actions for their respective branch budget units under KRS 48.130(4).

Notwithstanding KRS 48.130 and 48.600, and except as otherwise modified by this Act, the General Assembly confirms, adopts, and enacts the revised General Fund appropriation levels for the budget units of the Executive Branch identified in General Fund Budget Reduction Order 04-01 and confirms and enacts the advances, transfers, and lapses to the General Fund of non-General Fund moneys identified in General Fund Budget Reduction Order 04-01.

The 2003 General Assembly enacted the 2002-2004 biennium Road Fund Budget Reduction Plan for fiscal year 2003-2004 in 2003 Ky. Acts ch. 156, Part VII, for state government pursuant to KRS 48.130(1) and (3). These statutes and Acts provide direction and authority by which the head of the Executive Branch shall revise and reduce appropriations and allotments and other deficit alleviation actions for the Executive Branch budget units under KRS 48.130(4).

Notwithstanding KRS 48.130 and 48.600, and except as otherwise modified by this Act, the General Assembly confirms, adopts, and enacts the revised Road Fund appropriation levels for the budget units of the Executive Branch identified in Road Fund Budget Reduction Order 04-01 and confirms and enacts the advances, transfers, and lapses to the Road Fund of non-Road Fund moneys identified in Road Fund Budget Reduction Order 04-01.

26. **State Purchases of Motor Vehicle Liability Insurance:** Notwithstanding any provision of the Kentucky Revised Statutes, to the extent that any governmental agency purchases motor vehicle liability insurance, sovereign immunity shall be waived to the extent of the insurance coverage.

27. **Use Tax on Sales of Printing or Direct Mail Advertising Materials:** Notwithstanding KRS 139.340, a commercial printer or mailer engaged in business in this state shall not be required to collect use tax on sales of printing or direct mail advertising materials that are both printed out of state and delivered out of state to the United States Postal Service for mass mailing to third-party Kentucky residents who are not purchasers of the advertising materials if the commercial printers or mailers:

a. Maintain records relating to these sales to assist in the collection of the use tax owed; and

b. File reports as provided in KRS 139.730 if requested by the Revenue Cabinet.

If the commercial printer or mailer complies with these reporting provisions, the purchaser of the printing or direct mail advertising materials described in this section shall have sole responsibility for payment of the use tax imposed in KRS 139.310.

28. **Cigarette Tax Evidence Compensation:** Notwithstanding KRS 138.146(4), after June 30, 2003, the compensation allowed shall be equal to $0.15 face value for each $3 of cigarette tax evidence purchased at face value.

29. **Sales and Use Tax Collection and Remittance Compensation:** Notwithstanding KRS 139.570, after June 30, 2003, the total reimbursement allowed shall not exceed $1,500. Notwithstanding KRS 139.250 or 139.700, after the effective date of this Act, separate permit numbers for a taxpayer with different business locations shall not be issued.

30. **Abandoned Property Receipts/General Fund:** Notwithstanding KRS 393.015, all abandoned property receipts collected, net of claims paid, in fiscal years 2004-2005 and 2005-2006 shall be available for appropriation in the General Fund.

31. **Reallocation of Appropriations Among Budget Units:** The Executive Branch shall operate within the appropriations authorized in this Act for each budget unit as prescribed by KRS 48.400 to 48.730, subject to the conditions and procedures stated in this section or other Parts of this Act.

The Secretary of a Cabinet, the Commissioner of the Department of Education, and other agency heads may request, prior to December 1, 2004, a revision or reallocation among budget units under their administrative authority of up to ten percent of General Fund or Restricted Funds appropriations contained in Part I, Operating Budget, of this Act for fiscal year 2004-2005 and fiscal year 2005-2006. No request shall relate to moneys in a fiduciary fund account unless the account is affected by a reorganization order promulgated under KRS 12.027. Any request which shall be submitted to and, if authorized by the State Budget Director, shall be implemented and executed prior to December 15, 2004. A request shall explain the need and use for the transfer authority under this section.

The amount of transfer of General Fund and Restricted Funds appropriations shall be made by Executive Order of the Governor and shall be separately recorded and reported in the system of financial accounts and reports provided in KRS Chapter 45.

No transfer shall result in any reduction to an item of appropriation contained in Part I, Operating Budget, of this Act. The

State Budget Director shall report a revision or transfer made under this section, in writing, to the Interim Joint Committee on Appropriations and Revenue at least 30 days prior to the proposed transfer. The Committee shall review the transfer in the same manner and procedure as provided for an interim unbudgeted appropriation action under KRS 48.630.

32. **Deduction for Taxes Paid to Foreign Countries:** Notwithstanding KRS 141.010(11)(a), effective for taxable years beginning after December 31, 2002, the deduction for taxes paid to foreign countries is not allowable.

33. **Sales and Use Tax on Natural Gas Distribution Services:** Notwithstanding KRS 139.100, effective June 1, 2003, the furnishing of natural gas distribution services or natural gas transmission or transportation services shall be retail sales subject to sales and use tax except for the furnishing of those services to residential customers as defined in KRS 139.470(8).

34. **Office Space:** Within 30 days of the effective date of this Act, the Secretary of the Finance and Administration Cabinet shall assure that the Capitol Annex space allocated to the legislative branch by KRS 56.463(4)(b) and designated for occupancy by the October 1, 2003, Resolution of the Legislative Research Commission shall be vacated by the executive branch and available for immediate occupancy by the legislative branch. The Secretary of the Finance and Administration Cabinet shall be authorized to lease such additional space as may be necessary to comply with the provisions of this paragraph.

The Secretary of the Finance and Administration Cabinet shall not authorize the expansion of additional office space or improvement of leased space for any state agency for existing leases or for any new leases for additional space except as necessary to address public health and safety issues which have been documented to comply with a federal or state mandate or to reduce current lease costs.

The Secretary of the Finance and Administration Cabinet is directed to provide office space for each statewide elected Constitutional officer in either the State Capitol or State Capitol Annex.

35. **Unclassified Employees:** Effective July 1, 2004, the number of unclassified employees shall not exceed the number of filled unclassified positions as of December 1, 2003. The Governor shall direct all agencies of the Executive Branch, including Constitutional Officers, as to the number of unclassified positions for each agency. For purposes of this provision, unclassified employees shall be defined as Cabinet Secretaries, Deputy Secretaries, Commissioners, Deputy Commissioners, Executive Directors, Deputy Executive Directors, Division Directors, Principal Assistants, General Counsels, or any other position subject to the provisions of KRS 11.040(1) or KRS 12.050.

36. **Designated General Fund Carry Forward:** Notwithstanding KRS 48.700 and 48.705 and other Parts in this Act, the Secretary of the Finance and Administration Cabinet shall determine and certify, within 30 days of the close of fiscal year 2003-2004 and fiscal year 2004-2005, the actual amount of undesignated balance of the General Fund for the year just ended. The amounts from the undesignated fiscal year 2003-2004 and fiscal year 2004-2005 General Fund balances (General Fund Surplus Account, KRS 48.700) that are designated and carried forward for budgeted purposes in the 2004-2006 fiscal biennium shall be determined by the State Budget Director during the close of the respective fiscal year and shall be reported to the Interim Joint Committee on Appropriations and Revenue within 30 days of the close of the fiscal year. The General Fund undesignated balance in excess of the amount designated for budgeted purposes under this section shall be made available for the General Fund Surplus Plan contained in Part VII unless otherwise provided in this Act.

37. **Reduction In State Utility Costs:** The Finance and Administration Cabinet is hereby directed to continue to review current practices to reduce energy costs to achieve a government-wide savings of total utility costs. The Cabinet is empowered to utilize expertise in the Department of Natural Resources, the Public Service Commission, and other agencies to accomplish this goal.

38. **Cellular Telephones/Electronic Devices:** By 90 days after the effective date of this Act, the Secretary of the Finance and Administration Cabinet shall review the use of cellular telephones and other types of electronic communication devices and issue guidelines to state agencies specifying criteria to document the need for such equipment. A copy of the guidelines shall be transmitted to the Interim Joint Committee on Appropriations and Revenue at the time of issuance.

39. **Sole Source Contracts:** Notwithstanding KRS 45A.095:

a. A contract may be made by noncompetitive negotiation only:

(1) For contractual services where no competition exists, such as electrical energy and other public utility services;

(2) Where rates are fixed by law or ordinance;

(3) For library books;

(4) For commercial items that are purchased for resale;

(5) For interests in real property;

(6) For visiting speakers, professors, expert witnesses, and performing artists;

(7) For personal service contracts executed pursuant to KRS 45A.690(1)(d) and (f) and 45A.720;

(8) For agricultural products in accordance with KRS 45A.645; and

(9) For an emergency;

b. The chief procurement officer, the head of a using agency, or a person authorized in writing as the designee of either officer may make or authorize others to make emergency procurements when an emergency exists;

c. "Emergency" means any incident or situation which poses a major threat to public safety so as to cause, or threaten to cause, loss of life, serious injury, significant damage to property, or major harm to public health or the environment;

d. The Finance and Administration Cabinet may negotiate directly for the purchase of contractual services, supplies, materials, or equipment in bona fide emergencies regardless of estimated costs. The existence of the emergency shall be fully explained, in writing, by the head of the agency for which the purchase is to be made. The explanation shall be approved by the Secretary of the Finance and Administration Cabinet and shall include the name of the vendor receiving the contract along with any other price quotations and a written determination for selection of the vendor receiving the contract. This information shall be filed with the record of all such purchases and made available to the public. Where practical, standard specifications shall be followed in making emergency purchases. In any event, every effort should be made to effect a competitively established price for purchases made by the state; and

e. The following entities may use noncompetitive negotiation for sole source purchases when competition is not feasible or when an emergency exists:

(1) Governing boards of state universities in accordance with KRS 164A.575; and

(2) Any other contracting body, as defined in KRS 45A.690, that has statutory exemptions from KRS Chapter 45A.

Sole source is a situation in which there is only one known capable supplier of a commodity or service, occasioned by the unique nature of the requirement, the supplier, or market conditions. Insofar as it is practical, no fewer than three suppliers shall be solicited to submit written or oral quotations whenever it is determined that competitive sealed bidding is not feasible. Awards shall be made to the supplier offering the best value. The names of the suppliers submitting quotations and the date and amount of each quotation shall be placed in the procurement file and maintained as a public record.

40. Furniture Purchases: The General Assembly declares that the financial condition of the Commonwealth requires that, notwithstanding KRS 45.760(12) and (14), no state agency shall purchase new equipment or furniture unless the item must be replaced due to damage or loss, unless the Secretary of the Finance and Administration Cabinet approves the equipment or furniture purchase based on documentation of the necessity and impact on government services if the purchase is not made. If a purchase is authorized, the Division of Correctional Industries or the Division of Surplus Property shall be utilized whenever possible.

41. Contract Restriction: The Secretary of the Finance and Administration Cabinet shall not approve or make payment for any personal service contract or memorandum of agreement to a person who was employed in a KRS Chapter 18A unclassified position as of the effective date of this Act. For purposes of this provision, unclassified employees shall be defined as Cabinet Secretaries, Deputy Secretaries, Commissioners, Deputy Commissioners, Executive Directors, Deputy Executive Directors, Division Directors, Principal Assistants, General Counsels, or any other position subject to the provisions of KRS 11.040(1) or 12.050.

42. Contract Expenses: The General Assembly declares that the financial condition of the Commonwealth requires that expenses for contractual expenses be restricted as provided in this section. For fiscal year 2004-2005 and for fiscal year 2005-2006, the total dollars authorized for expenditures for Personal Service Contracts and Memoranda of Agreement shall not exceed the total expenditures for each category in fiscal year 2003-2004. For purposes of this provision, the expenditure limitation shall be based on Personal Service Contracts and Memoranda of Agreement reportable to the Government Contract Review Committee. The expenditure limitation shall not be applied to Medicaid managed care contracts. In addition, the expenditure limitation may be exceeded if necessary to avoid the loss of Federal Funds or for emergencies solely related to public health or safety, legal defense, or other extraordinary circumstance. If an exception is authorized by the Secretary of the Finance and Administration Cabinet, the Legislative Research Commission shall be notified at the time such action is taken.

43. Printing: The General Assembly declares that the financial condition of the Commonwealth requires that the Secretary of the Finance and Administration Cabinet shall review all state printing, including publications and the associated cost of storage and distribution, and direct all state agencies to use Internet and other electronic technology to provide public access to the fullest extent possible in order to reduce costs. The Secretary is further directed to reduce printing-related expenses by 25 percent in each fiscal year.

44. Permanently Assigned Vehicles: The Secretary of the Finance and Administration Cabinet and the Secretary of the Transportation Cabinet shall not authorize any permanently assigned vehicles, except to the Court of Justice, Secretaries of the Executive Cabinet, and for law enforcement or other public safety purposes.

45. Travel Expenditures: All state agencies shall continue to monitor all travel expenditures and shall utilize state parks or other state facilities to the fullest extent feasible. The Secretary of the Finance and Administration Cabinet shall review all out-of-state travel requests for three or more state employees to attend the same destination or event and shall approve the requests if deemed necessary.

46. State Vehicle Reduction: The General Assembly declares that the financial condition of the Commonwealth requires that the Secretary of the Finance and Administration Cabinet, pursuant to KRS 44.045 and in conjunction with the Secretary of the Transportation Cabinet, shall reduce the number of state vehicles assigned to agencies by 500 vehicles within 90 days of the effective date of this Act. This vehicle reduction shall not include the Kentucky Community and Technical College System (KCTCS) or any State University.

47. Privatization: The Secretary of the Finance and Administration Cabinet, or any other agency with delegated authority under KRS Chapter 45A, shall not give final authorization or approval to the execution of any contractual agreement for the privatization of any state service or facility which is currently performed by state employees unless the following actions have been completed:

a. A report shall be prepared, pursuant to KRS 45A.551, and submitted to the Legislative Research Commission, which shall describe the service or facility to be privatized. The report shall be filed at least 45 days prior to the issuance of any request for proposals to procure the service, program, function, or activity;

b. Within 30 days of receiving the report specified in paragraph a., the Legislative Research Commission or any legislative committee to which the report is referred, may request additional information regarding the proposal. The agency shall not proceed with the bid process until a response is filed with the committee or the Legislative Research Commission; and

c. After the bids are received and evaluated, the agency shall provide notice of any proposed action to the Legislative Research Commission at least 30 days prior to selecting a vendor for the proposed agreement.

These requirements shall be in addition to any provisions of KRS Chapter 45A.

48. **School District Efficiency and Effectiveness Review:** The Office of Education Accountability is directed to conduct an inventory and assessment of indicators that may be used to analyze financial, academic, and demographic data in order to evaluate school performance. The inventory and assessment shall be under the direction of the Education Assessment and Accountability Review Subcommittee pursuant to KRS 7.410. With approval of the Subcommittee and the Legislative Research Commission, funds may be used to contract for special expertise in the area of financial or performance reviews.

49. **Abandoned Property held by Financial Institutions:** Notwithstanding KRS 393.060, the dormancy period for property held or owing by a banking or financial institution, other than traveler's checks, shall be three years rather than seven years.

50. **Sale of Escheated Securities by Treasury Department:** Notwithstanding KRS 393.125, the department, within three years of the receipt of securities, shall sell the securities. A person making a claim of securities held less than three years by the department and sold by the department shall only be entitled to the proceeds of the sale of the securities, less any deduction for expenses of the sale.

51. **Payment of Excise Tax by Harness Racetracks:** Notwithstanding KRS 138.510, for fiscal year 2004-2005 and fiscal year 2005-2006, all harness racetracks licensed by the Kentucky Horse Racing Authority shall not be required to pay the excise tax imposed under KRS 138.510(2) and that amount that would have been paid shall be retained by the track to promote and maintain its facilities and its live meet.

52. **Joint System of Park and Recreational Facilities:** Notwithstanding KRS 97.035, any city, except a city of the first class, and a county, except a county containing a city of the first class, operating a joint park and recreational system under this section may by joint action create a joint city/county department to maintain and conduct park and recreational system or systems. In such event, the joint city/county park and recreational system board shall be dissolved as a corporate entity and all assets and liabilities of the board shall be transferred to the joint department. An advisory board may be established by joint agreement of city and county.

53. **Review of Bonds:** The 2005 General Assembly shall review all Capital Construction Projects authorized in this Act which have not been issued and may determine if economic conditions warrant the issuance of these bonds.

54. **Medicaid Provider Assessment on Nursing Homes:** Notwithstanding KRS 142.307 as related to nursing facility services, a provider assessment is hereby imposed at a uniform rate per non-Medicare patient day that is two percent of gross revenues received by all nursing facilities on or after the effective date of this Act for the provision of nursing facility services. For purposes of this section, "nursing facility services" means services provided by a licensed skilled care facility, nursing facility, nursing home, or intermediate care facility, excluding intermediate care facilities for the mentally retarded.

In addition to the above assessment, a second assessment on nursing facility services shall be imposed per non-Medicare patient day that does not exceed four percent of gross revenue. The second assessment established shall be imposed on all nursing facilities except for acute-care based skilled nursing, intermediate care, or nursing facilities.

The second assessment is not required to be uniform and the rate of assessment per non-Medicare day may be variable based upon a facility's total annual census days if deemed an acceptable waivered class by the Centers for Medicare and Medicaid Services.

All revenues collected pursuant to the above provisions shall be deposited in the Medical Assistance Revolving Trust Fund (MART) and transferred on a quarterly basis to the Department for Medicaid Services.

The Department for Medicaid Services shall promulgate administrative regulations to ensure that a portion of the revenues generated from the second assessment and federal matching funds shall be used to increase reimbursement rates for nursing facilities, including but not limited to the following:

a. The rate increases shall be used to fully phase in those providers whose current rates are less than the Medicaid price-based rates;

b. To correct for inflation adjustments for the past two years; and

c. To re-base the rates to recognize current wage and benefit levels in the industry.

The remaining revenue generated by the second assessment and federal matching funds shall be used to supplement the medical assistance related General Fund appropriations of the Department for Medicaid Services. Notwithstanding KRS 48.500

and 48.600, the MART fund shall be exempt from any state budget reduction acts.

On or before the effective date of this Act, the Cabinet for Health and Family Services, Department for Medicaid Services shall submit an application to the Centers for Medicare and Medicaid Services to request a waiver of the uniformity tax requirement pursuant to 42 CFR 433.68(e)(2).

If an application to the Centers for Medicare and Medicaid Services for a waiver of the uniformity requirements is denied, the Department for Medicaid Services may resubmit the application with appropriate changes to receive an approved waiver.

Assessments imposed pursuant to this section shall begin on July 1, 2004, but are not due and payable until rates are increased as provided above.

The provisions of this section shall be considered null and void if the uniformity waiver or plan amendment to increase rates is not approved by the Centers for Medicare and Medicaid Services.

55. **Medicaid Provider Assessment on Intermediate Care Facility Services for the Mentally Retarded:** Notwithstanding KRS 142.307 as related to intermediate care facility services for the mentally retarded as provided in KRS 142.307, an additional assessment is hereby imposed at a uniform rate of five and one-half percent on gross revenues received by each provider on or after the effective date of this Act, for the provision of intermediate care facility services for the mentally retarded and providers of services through, or identical to those provided under, the Supports for Community Living Waiver Program.

All revenues collected pursuant the above provisions shall be deposited in the Medical Assistance Revolving Trust Fund (MART) and transferred on a quarterly basis to the Department for Medicaid Services.

The Department for Medicaid Services shall promulgate regulations to ensure that a portion of the revenues generated from the additional assessment and federal matching funds shall be used for rate increases for intermediate care facility services for the mentally retarded and providers of services through, or identical to those provided under, the Supports for Community Living Waiver Program to recognize cost increases including current wage and benefit levels in the industry.

The remaining revenue generated from the additional assessment and federal matching funds shall be used to supplement the medical assistance related General Fund appropriations of the Department for Medicaid Services. Notwithstanding KRS 48.500 and 48.600, the MART fund shall be exempt from any state budget reduction acts.

On or before the effective date of this Act, the Cabinet for Health and Family Services, Department for Medicaid Services shall submit an application to the Centers for Medicare and Medicaid Services to request a waiver of the uniformity requirement pursuant to 42 CFR 433.68(e)(2).

If an application to the Centers for Medicare and Medicaid Services for a waiver of the uniformity requirements is denied, the Department for Medicaid Services may resubmit the application with appropriate changes to receive an approved waiver.

The additional assessment imposed pursuant to this section shall begin on July 1, 2004, but is not due and payable until rates are increased pursuant to this provision.

The provisions of this section shall be considered null and void if the uniformity waiver or plan amendment to increase rates is not approved by the Centers for Medicare and Medicaid Services.

56. **Noncompetitive Contract Negotiation:** The following entities may use noncompetitive negotiation for sole source purchases when competition is not feasible or when an emergency exists:

a. Governing boards of state universities in accordance with KRS 164A.575;

b. Any other contracting body, as defined in KRS 45A.690, that has statutory exemptions from KRS Chapter 45A; and,

c. Contracts with organizations primarily responsible for Medicaid managed health care that are approved through a waiver of the federal government, at the discretion of the Health and Family Services Cabinet.

57. **Master Commissioners' Operating Accounts:** The Administrative Office of the Courts shall take such actions as are necessary to collect, at a minimum, $4,000,000 in fiscal year 2003-2004 from Master Commissioners' local operating accounts. All moneys collected from this source in each fiscal year shall be transferred to the credit of the General Fund Surplus Account.

58. **Memorial to Captain Jack Hart:** The Kentucky Historical Society is authorized, notwithstanding any provisions of KRS Chapter 45A to the contrary, to carry out the provisions of 2004 SR 191 related to the purchase of a Kentucky Long Rifle in honor and on behalf of Captain Jack Hart. Funds for this purchase shall be provided from the General Fund Surplus Account.

59. **Model Procurement Code:** Notwithstanding KRS Chapter 13B, actions on KRS Chapter 45A contracts shall be litigated pursuant to KRS 45A.245.

60. **Oral History Program:** Notwithstanding KRS 7B.080, $500,000 is provided from the Kentucky Long-Term Policy Research Center Fund in fiscal year 2004-2005 for the University of Kentucky Oral History Program. The program shall be named the University of Kentucky/Edward T. Breathitt-Louie B. Nunn Oral History Program. These funds are eligible to be matched by the Research Trust Challenge Grant.

61. **Horse Cave Repertory Theatre:** The Horse Cave Repertory Cave Theatre located in Hart County, Kentucky is named and designated as the official state repertory theatre.

62. **Legislative Security:** Notwithstanding KRS 48.310, the following statutes are amended to read as follows and

shall have permanent effect, subject to future action by the General Assembly:

Section 1. KRS 6.420 is amended to read as follows:

(1) The Department of State Police shall furnish adequate protection for the property*,*[~~ and~~] facilities*, members, and employees* of the General Assembly and the Legislative Research Commission *and for the public*, both during and between sessions of the General Assembly, and shall render such additional security services as may be required by *either* the co-chairmen *or the director* of the Legislative Research Commission.

(2) The commissioner of the Department of State Police shall designate officers and civilian employees of the Department of State Police to provide security as specified in subsection (1) of this section for the General Assembly and its facilities, property, members, and employees; employees of the Legislative Research Commission; and the public.

(3) Those employees who are not sworn officers of the department under KRS Chapter 16 shall:

(a) Have the title of legislative security specialist;

(b) Be civilian employees of the Department of State Police under KRS Chapter 18A for employment purposes;

(c) Be certified peace officers pursuant to KRS 15.380 to 15.404;

(d) Remain certified peace officers during the course of their employment as legislative security specialists;

(e) Have the same powers of arrest and service of process as a sworn officer of the Department of State Police under KRS Chapter 16;

(f) Have the same rights with regard to carrying a concealed deadly weapon as a sworn officer of the Department of State Police under KRS Chapter 16.

(g) Take the constitutional oath of office and the oath of office as a peace officer;

(h) Give such bond as the commissioner of the Department of State Police shall designate and with such surety as required by the commissioner, conditioned upon faithful performance of his or her duties. This bond shall be paid by the Department of State Police;

(i) Be entitled to attend in service training at Department of State Police and Department of Criminal Justice Training facilities without charge; and

(j) Be provided with specialized training in legislative security, personnel protection, loss management, and other matters necessary for the proper conduct of their duties.

(4) Those employees of the department who are not sworn officers of the department under KRS Chapter 16 shall not:

(a) Be required to engage in road patrol;

(b) Engage in regular police duties other than as related to legislative security;

(c) Engage in investigative duties other than as related to legislative security; or

(d) Be required to serve process in matters other than those related to legislative security.

Section 2. KRS 16.010 is amended to read as follows:

As used in KRS 16.030 to 16.170, unless the context requires otherwise:

(1) "Cabinet" means the Justice Cabinet;

(2) "Secretary" means the secretary of justice;

(3) "Commissioner" means the commissioner of the Department of State Police;

(4) "Officer" means any member of the Kentucky State Police who possesses the powers of a peace officer;

(5) "Civilian" means such experts, statisticians, clerks, and other assistants who*, except as provided in KRS 6.420,* do not possess the powers of a peace officer;

(6) "Board" means the State Police Personnel Board; and

(7) "Department" means the Department of State Police.

Section 3. KRS 16.185 is amended to read as follows:

(1) Any officer *or legislative security specialist* who is sued for any act or omission in the line of duty and who has a judgment for monetary damages rendered against him *or her* in his *or her* individual capacity, and who personally suffers actual financial loss, unreimbursed from any source, by the enforcement and satisfaction of the judgment, including any costs or attorney fees awarded pursuant thereto, shall be indemnified by the Commonwealth, from funds appropriated to the Finance and Administration Cabinet for the payment of judgments, to the extent of his *or her* actual financial loss.

(2) The indemnification shall be contingent upon an express determination by the commissioner that the act or omission which resulted in liability was within the scope and course of the officer's *or legislative security specialist's* employment and occurred during the performance of duty and was committed or omitted in the good faith belief that the act or omission was lawful and proper.

(3) If the officer *or legislative security specialist* seeking indemnification is the commissioner, the determination referred to in subsection (2) of this section shall be made by the Governor.

(4) The indemnification shall not be construed to abrogate or limit any privilege, immunity, or matter of defense otherwise available to the officer and shall not constitute a waiver of any privilege, immunity, or matter of defense, including the sovereign immunity of the Commonwealth.

(5) The indemnification shall not be the subject of comment, directly or indirectly, before any jury hearing any cause of action in which an officer ***or legislative security specialist*** is a party, and any comment before the jury shall result in an immediate mistrial.

63. **Premium and Retaliatory Taxes:** Notwithstanding KRS 304.17B-021(4)(d), premium taxes collected under KRS Chapter 136 from any insurer and retaliatory taxes collected under KRS 304.3-270 from any insurer shall be credited to the General Fund.

64. **Enterprise Zone Tax Incentives:** Notwithstanding KRS 154.45-010 to 154.45-120, any business certified as a qualified business prior to the expiration date of the enterprise zone designation shall be eligible for the tax incentives under KRS 154.45-090(2) and (3) for any projects started prior to the expiration date of the enterprise zone designation. The provisions of this section shall only apply if the project had a project scope of $40,000,000 or more, the project was one that was recommended by a tourist and convention commission, the project complements existing tourism and convention facilities, and the project connects to public property. The maximum sales tax exemption for any one project for the period beginning January 1, 2004, and ending June 30, 2006, shall not exceed $700,000 in tax. The provisions of this section shall be retroactive to January 1, 2004.

65. **Budget Reserve Trust Fund:** The amount of $2,873,100 is appropriated from the General Fund in fiscal year 2004-2005 to the Budget Reserve Trust Fund (KRS 48.705). If the State Budget Director certifies to the Legislative Research Commission that the enactment by the 2004 General Assembly of general appropriation bills and bills with an appropriation provision, as defined in KRS 48.010(3), will affect the General Fund undesignated balance for the fiscal year ending June 30, 2006, the State Budget Director may direct the Secretary of the Finance and Administration Cabinet to reduce the amount of the above appropriation to a revised level in the state financial management, accounting, and reporting system. If the appropriation to the Budget Reserve Trust Fund is revised as provided in this section, the State Budget Director is authorized to record and report the revised amount in the Budget of the Commonwealth document. Any certification or other official action taken under authority of this section shall be reported concurrently to the Interim Joint Committee on Appropriations and Revenue.

66. **County Law Library Fee:** Notwithstanding KRS 172.180(3), in any county in which the Circuit Judge has issued an order directing the payment, as court costs, of a fee designated as a county law library fee, the fee to be assessed in all criminal trials, except examining trials and felony trials, in District Court shall not exceed $1.50, and the fee to be assessed in all civil actions in the county in Circuit and District Courts shall not exceed $3.

PART IV

STATE SALARY/COMPENSATION AND EMPLOYMENT POLICY

1. **Maximum Filled Permanent Positions:** Notwithstanding KRS 18A.010(2), for the 2004-2006 fiscal biennium, the total number of filled permanent positions in the agencies of the Executive Branch is limited to the number authorized in the enacted State/Executive Budget of the Commonwealth for the 2004-2006 fiscal biennium. The provisions of this section do not apply to the employees of the General Assembly, the Legislative Research Commission, or the Court of Justice.

2. **Annual Organizational Review and Vacant Position Abolishment:** The Commissioner of the Department of Personnel shall conduct an annual organizational review of all state agencies in accordance with this Act.

a. As used in this section, unless the context indicates otherwise:

(1) "Management position" means any position that heads an organizational unit;

(2) "Organizational unit" means any unit of an organization in the executive branch of state government that is not an administrative body, including but not limited to any agency, program cabinet, department, bureau, division, section, or office, as defined in KRS 12.010; and

(3) "Commissioner" means the Commissioner of the Department of Personnel or the executive head of its successor agency.

b. The Commissioner of the Department of Personnel shall review annually the number of permanent, full-time positions assigned to each organizational unit. By October 1 each year, after review with the appointing authority, the Commissioner shall provide the Legislative Research Commission with the justification to retain any organizational unit consisting of five or fewer full-time positions.

c. If, as a result of this organizational review, an organizational unit is abolished by the appointing authority, the Commissioner shall assist the appointing authority in transferring all permanent, full-time classified employees with status to other organizational units within that agency.

d. A classified employee in a management position of an organizational unit that is abolished as a result of this review who is not transferred to a similar management position in a different organizational unit may retain the management classification, grade, and pay level for 12 months in the organizational unit to which the employee is transferred even if it is not authorized in the gaining unit.

e. After the 12 month period, the employee shall be reclassified to the appropriate classification by the Commissioner. The employee shall retain his or her current salary, including annual increments and cost-of-living adjustments, until the employee advances to a higher grade level than the management position from which the employee was reclassified.

f. The Commissioner of Personnel shall abolish any organizational unit management position in any agency that is vacant, and not advertised for filling, for 90 days and review with the appointing authority the necessity to retain the organizational unit.

3. **Authorized Personnel Complement:** On July 1, 2004, the Department of Personnel shall establish a record of budgeted permanent and other equivalent positions based upon the enacted State/Executive Budget of the Commonwealth and any adjustments authorized by provisions in this Act. The total number of filled and vacant positions of full-time, part-time, and interim employees shall not exceed the authorized complements pursuant to this section. When an agency head certifies that an emergency employment situation exists for a limited time within a fiscal year, the State Budget Director may approve, and the Commissioner of Personnel may authorize, the employment of individuals in addition to the authorized complement for the duration of the limited time period so authorized within the fiscal year. A copy of records, certifications, and actions authorized in this section shall be provided to the Interim Joint Committee on Appropriations and Revenue on a monthly basis.

4. **Cost-of-Living Adjustment:** Notwithstanding KRS 18A.355(1), a cost-of-living adjustment of one and one-half percent is provided in fiscal year 2004-2005 and three percent is provided in fiscal year 2005-2006 on the base salary or wages of each eligible state employee on their anniversary date.

5. **Maximum Salary and Salary Advancements for Unclassified Employees:** Except as provided by this section, no salary exceeding a total of $9,000 monthly shall be paid to a person appointed to an unclassified or ungraded position in a state agency under the provisions of KRS 11.040, 12.040, 12.050, 12.255, or KRS Chapter 151B on or after December 1, 2003. This monthly salary limit shall not apply to any constitutional officer or other person where the salary of the position is set by statute. Salary increases for the following KRS Chapter 18A or 151B unclassified positions: Cabinet Secretary, Deputy Secretary, Commissioner, Deputy Commissioner, Executive Director, Deputy Executive Director, Division Director, Principal Assistant, General Counsel; or any other position subject to the provisions of KRS 11.040, 12.040, 12.050, 12.255, or KRS Chapter 151B, shall be limited to cost-of-living adjustments provided to classified merit system employees in this Act.

6. **Employee Health Insurance COLA Payment:** An Employee Health Insurance Cost-of-Living Adjustment (COLA) Payment of one and one-half percent in fiscal year 2004-2005 and fiscal year 2005-2006 shall be added to the base salary or wages of each eligible state employee on their anniversary date in each fiscal year. This Health Insurance COLA shall be in addition to other increments or salary advancements that the employee may be eligible for and are provided for in this Act or KRS Chapter 18A.

a. The Commissioner of Personnel shall maintain a monthly record of the cost incurred by state agencies granting this COLA and shall reimburse each state agency, at least quarterly, for that portion of the salary and retirement cost incurred that is not covered by Federal Funds, Agency Funds, or other special funds available to the agency. This reimbursement shall come from the Employee Health Insurance COLA Account established in Part I of this Act.

b. The Commissioner of Personnel shall provide the Interim Joint Committee on Appropriations and Revenue with a quarterly report of the cost of the Employee Health Insurance COLA payment by agency and the amount reimbursed to each agency from the Employee Health Insurance COLA Account. The first report shall be submitted by November 1, 2004.

PART V

FUNDS TRANSFER

The General Assembly finds that the financial condition of state government requires the following action.

Notwithstanding the requirements of the Restricted Funds enumerated below, there is transferred to the General Fund the following amounts in fiscal year 2003-2004, fiscal year 2004-2005, and fiscal year 2005-2006.

		2003-2004	**2004-05**	**2005-06**
A.	**GENERAL GOVERNMENT**			
1.	**Department of Personnel -** **General Operations** (KRS 18A.015(4))	355,600	15,000	15,000
2.	**Department of Personnel** Flexible Spending Account (KRS 18A.225(2)(g))	-0-	2,000,000	1,500,000
3.	**Governor's Office of Agricultural Policy** Agency Revenue Fund	4,000	-0-	-0-
4.	**Veterans' Affairs** Agency Revenue Fund	306,700	-0-	-0-
5.	**Secretary of State** Limited Liability Companies (KRS 14.140)	20,600	1,500,000	1,000,000

6.	**Secretary of State** Agency Revenue Fund	-0-	884,800	-0-
7.	**Board of Elections** Agency Revenue Fund	2,900	84,900	22,900
8.	**Treasury - Unclaimed Property** (KRS 393.250(1))	20,500	-0-	-0-
9.	**Department of Agriculture** (KRS 217B.580, 248.290(2), 251.430, 260.650, 363.330, 363.906, and 438.335)	153,800	-0-	-0-
10.	**Military Affairs** Agency Revenue Fund	473,700	-0-	-0-
11.	**Local Government** County Cemetery Fund (KRS 67.682)	35,100	-0-	-0-
12.	**Local Government** **Support Services Restricted Fund**	-0-	3,000	-0-
13.	**Local Government Economic** **Development Fund** (KRS 42.4592)	-0-	4,095,100	5,244,200
14.	**Commission on Women** Agency Revenue Fund	800	-0-	-0-
15.	**Registry of Election Finance** Election Campaign Fund (KRS 121A.020)	500	897,400	43,000
16.	**Board of Emergency Medical** **Services** (KRS 311A.145)	5,000	-0-	-0-
17.	**Governmental Services Center** Agency Revenue Fund	37,900	-0-	-0-
18.	**Kentucky River Authority** (KRS 151.720)	86,400	-0-	-0-
19.	**Accountancy** 19,600 (KRS 325.250)	-0-	-0-	
20.	**Architects** Agency Revenue Fund	6,500	-0-	-0-
21.	**Auctioneers** 9,300 (KRS 330.050 and 330.192)	-0-	-0-	
22.	**Barbering** (KRS 317.530)	5,800	-0-	-0-
23.	**Chiropractic Examiners** Agency Revenue Fund	4,800	-0-	-0-
24.	**Dentistry** (KRS 313.350)	12,600	-0-	-0-
25.	**Embalmers and Funeral Home Directors** Agency Revenue Fund	6,200	-0-	-0-
26.	**Engineers and Land Surveyors**	33,900	-0-	-0-

	(KRS 322.420)			
27.	**Geologists** (KRS 322A.050)	25,000	-0-	-0-
28.	**Hairdressers and Cosmetologists** (KRS 317A.080)	17,600	-0-	-0-
29.	**Interpreters for Deaf and Hard of Hearing** 2,000 (KRS 309.306)	-0-	-0-	
30.	**Landscape Architects** Agency Revenue Fund	1,400	-0-	-0-
31.	**Marriage and Family Therapists** (KRS 335.342)	3,000	-0-	-0-
32.	**Medical Licensure** (KRS 311.610)	60,500	-0-	-0-
33.	**Nursing** Agency Revenue Fund	102,700	-0-	-0-
34.	**Ophthalmic Dispensers** (KRS 326.120)	2,000	-0-	-0-
35.	**Optometric Examiners** (KRS 320.360)	3,900	-0-	-0-
36.	**Pharmacy** (KRS 315.195)	21,700	-0-	-0-
37.	**Physical Therapy** (KRS 327.080)	7,000	-0-	-0-
38.	**Podiatry** (KRS 311.450)	400	-0-	-0-
39.	**Private Investigators** (KRS 329A.030)	2,000	-0-	-0-
40.	**Real Estate Appraisers** (KRS 324A.065)	15,800	-0-	-0-
41.	**Real Estate Commission** (KRS 324.286 and 324.410)	57,600	-0-	-0-
42.	**Speech-Language Pathology and Audiology** (KRS 334A.120)	2,200	-0-	-0-
B.	COMMERCE CABINET			
1.	**Office of the Secretary** Agency Revenue Fund	90,400	-0-	-0-
2.	**Artisans Center** Agency Revenue Fund	30,000	-0-	-0-
3.	**Travel** Agency Revenue Fund	1,700	-0-	-0-
4.	**State Parks** State Parks Fund	1,255,600	-0-	-0-
5.	**Kentucky Horse Park** Kentucky Horse Park Fund	150,300	-0-	-0-
6.	**Kentucky State Fair Board** State Fair Board Fund	500,000	-0-	-0-

7.	**Historical Society**			
	Agency Revenue Fund	14,300	-0-	-0-
8.	**Arts Council**			
	Agency Revenue Fund	17,100	-0-	-0-
9.	**Heritage Council**			
	Agency Revenue Fund	16,200	-0-	-0-
C.	**ECONOMIC DEVELOPMENT CABINET**			
1.	**Office of the Secretary**			
	Agency Revenue Fund	179,000	-0-	-0-
2.	**Kentucky Economic Development Finance Authority** (KRS 154.20-010 to 154.20-150)	-0-	3,000,000	2,000,000
D.	**DEPARTMENT OF EDUCATION**			
1.	**Operations and Support Services**			
	Agency Revenue Fund	101,600	-0-	-0-
2.	**Emergency Revolving School Loan Fund Account** (KRS 160.599)	-0-	1,000,000	-0-
3.	**School Districts Flexible Spending Accounts** Agency Restricted Fund	-0-	5,000,000	-0-
E.	**EDUCATION CABINET**			
1.	**General Administration and Program Support**			
	Agency Revenue Fund	167,400	-0-	-0-
2.	**Office of the Secretary**			
	Agency Revenue Fund	4,000	-0-	-0-
3.	**Kentucky Educational Television**			
	Agency Revenue Fund	33,400	-0-	-0-
4.	**Deaf and Hard of Hearing**			
	Agency Revenue Fund	6,500	-0-	-0-
5.	**Environmental Education Council**			
	Agency Revenue Fund	4,800	-0-	-0-
6.	**Libraries and Archives**			
	Agency Revenue Fund	46,000	-0-	-0-
7.	**Education Professional Standards Board**			
	Agency Revenue Fund	20,700	-0-	-0-
8.	**Technical Education**			
	Agency Revenue Fund	56,000	-0-	-0-
9.	**Vocational Rehabilitation** (KRS 151B.470)	73,900	-0-	-0-
10.	**Unemployment Insurance Penalty and Interest Account** (KRS 341.835)	186,100	-0-	-0-
F.	**ENVIRONMENTAL AND PUBLIC PROTECTION CABINET**			
1.	**Office of the Secretary** Agency Revenue Fund	450,000	-0-	-0-
2.	**Public Protection - General Operations**			

	Agency Revenue Fund	477,700	-0-	-0-
3.	**Athletic Commission**	4,200	-0-	-0-
	(KRS 229.250)			
4.	**Natural Resources**			
	Agency Revenue Fund	97,500	-0-	-0-
5.	**Environmental Protection**	351,400	-0-	-0-
	(KRS 224.20-310 and 224.20-050)			
6.	**Surface Mining**			
	Agency Revenue Fund	145,900	-0-	-0-
7.	**Claims/Crime Victims'**			
	Compensation 1,500	-0-	-0-	
	(KRS 346.185)			
8.	**Alcoholic Beverage Control**	107,400	250,000	250,000
	(KRS 243.025)			
9.	**Financial Institutions**	638,200	320,000	3,107,100
	(KRS 287.485)			
10.	**Insurance**	2,116,000	4,289,800	25,128,200
	(KRS 304.2-400 and			
	304.17B-001 to 304.17B-031)			
11.	**Insurance**			
	Fire and Tornado Fund	-0-	500,000	500,000
	(KRS 56.180(2))			
12.	**Kentucky Horse Racing Authority**			
	Health and Welfare Fund	49,600	1,500,000	1,500,000
	(KRS 230.361 to 230.375)			
13.	**Kentucky Horse Racing Authority**			
	Administration and Regulation	-0-	300,000	300,000
	(KRS Chapter 230)			
14.	**Housing, Buildings and**			
	Construction 90,100	750,000	750,000	
	(KRS 318.136)			
15.	**Mines and Minerals**	36,600	-0-	-0-
	(KRS 351.110)			
16.	**Mines and Minerals**			
	Well Plugging Fund	-0-	1,500,000	1,500,000
	(KRS 353.590(9))			
17.	**Public Advocacy**	20,600	-0-	-0-
	(KRS 31.211, 189A.050(3)(b))			
18.	**Charitable Gaming**	191,200	300,000	300,000
	(KRS 238.570)			
19.	**Petroleum Storage Tank**			
	Assurance Fund	291,200	17,500,000	55,300,000
	(KRS 224.60-130 to 224.60-155)			
20.	**Environmental Protection Guaranty Bond**			
	Forfeiture - Interest Bearing	-0-	1,000,000	1,000,000
	(KRS Chapter 350)			
21.	**Waste Tire Trust Fund**	300,000	300,000	300,000
	(KRS 224.50-880)			

G.	**FINANCE AND ADMINISTRATION CABINET**			
1.	**General Administration**			
	Agency Revenue Fund	66,700	27,500	-0-
2.	**General Administration**			
	Capital Construction Surplus Fund	-0-	3,088,000	-0-
	(KRS 45.775)			
3.	**General Administration**			
	Capital Construction Investment Income			
	(KRS 42.500) -0-	25,351,000	11,430,000	
4.	**General Administration -Empower KY**			
	Agency Restricted Funds	-0-	4,496,400	-0-
5.	**Office of the Controller**			
	Agency Revenue Fund	10,400	-0-	-0-
6.	**Department for Administration**			
	Agency Revenue Fund	130,000	-0-	-0-
7.	**Department for Facilities Management**			
	Physical Plant			
	Property Management Fund	702,600	-0-	-0-
8.	**Revenue**	103,700	-0-	-0-
	(KRS 132.672, 134.400,			
	154.12-219, and 365.390(2))			
9.	**Property Valuation Administration**	111,600	-0-	-0-
	(KRS 132.590 and 132.597)			
H.	**HEALTH AND FAMILY SERVICES CABINET**			
1.	**General Administration and**			
	Program Support	169,100	-0-	-0-
	(KRS 212.025(2))			
2.	**General Administration and**	**Program Support**		
	Agency Revenue Fund	61,200	-0-	-0-
3.	**Children with Special Health**			
	Care Needs 440,900	-0-	-0-	
	(KRS 212.025(2))			
4.	**Children with Special Health Care Needs - Tobacco**			
	Tobacco Fund 49,000	-0-	-0-	
	(KRS 200.151)			
5.	**Medicaid - Administration**			
	Agency Revenue Fund	520,200	-0-	-0-
6.	**Mental Health and Mental**			
	Retardation Services	4,438,600	-0-	-0-
	(KRS 212.025(2))			
7.	**Public Health** 1,647,900	261,700	358,800	
	(KRS 212.025(2) and 213.141(3))			
8.	**Certificate of Need**	4,100	-0-	-0-
	(KRS 212.025(2))			
9.	**Aging Services**	19,000	-0-	-0-
	(KRS 212.025(2))			
10.	**Disability Determinations**			
	Agency Revenue Fund	1,600	-0-	-0-

11.	**Community Based Services**			
	Agency Revenue Fund	5,087,900	-0-	-0-
I.	**JUSTICE AND PUBLIC SAFETY CABINET**			
1.	**Justice Administration**			
	Agency Revenue Fund	37,400	369,500	369,500
2.	**State Police**			
	Agency Revenue Fund	292,900	-0-	-0-
3.	**Juvenile Justice**			
	Agency Revenue Fund	392,300	-0-	-0-
4.	**Kentucky Law Enforcement**			
	Foundation Program Fund	922,100	15,500,000	14,000,000
	(KRS 15.430)			
5.	**Corrections Management**			
	Agency Revenue Fund	502,200	-0-	-0-
6.	**Corrections - Community Services**			
	and Local Facilities			
	Agency Revenue Fund	8,400	-0-	-0-
J.	**POSTSECONDARY EDUCATION**			
1.	**Council on Postsecondary Education**			
	Agency Revenue Fund	133,000	-0-	-0-
2.	**Technology Initiative Trust Fund**	132,900	-0-	-0-
	(KRS 164.7911 to 164.7921)			
3.	**Eastern Kentucky University**			
	Agency Revenue Fund	2,415,700	-0-	-0-
4.	**Kentucky State University**			
	Agency Revenue Fund	586,600	-0-	-0-
5.	**Morehead State University**			
	Agency Revenue Fund	1,501,300	-0-	-0-
6.	**Murray State University**			
	Agency Revenue Fund	1,632,900	-0-	-0-
7.	**Northern Kentucky University**			
	Agency Revenue Fund	1,951,600	-0-	-0-
8.	**University of Louisville**			
	Agency Revenue Fund	4,400,000	-0-	-0-
9.	**Western Kentucky University**			
	Agency Revenue Fund	2,381,600	-0-	-0-
10.	**Kentucky Community and**			
	Technical College System			
	Agency Revenue Fund	5,865,600	-0-	-0
11.	**Kentucky Higher Education**			
	Assistance Authority	-0-	500,000	500,000
	(KRS 164A.010 to KRS 164A.240)			
12.	**Firefighters Foundation**			
	Program Fund	-0-	9,000,000	3,500,000
	(KRS 95A.220)			
K.	**TRANSPORTATION CABINET**			
1.	**General Administration and Support**			
	Fleet Management Fund	1,374,100	5,000,000	1,000,000

2.	**Air Transportation** Kentucky Aviation Economic Development Fund (KRS 183.525(3), (4), and (5))	700,000	-0-	-0-
L.	**LEGISLATIVE BRANCH** **Kentucky Long-Term Policy Research Center** Agency Restricted Funds	-0-	500,000	-0-
TOTAL - FUNDS TRANSFER		49,046,200	111,084,100	130,918,700

PART VI

GENERAL FUND BUDGET REDUCTION PLAN

Pursuant to KRS 48.130 and 48.600, a General Fund Budget Reduction Plan is enacted for state government in the event of an actual or projected deficit in estimated General Fund revenue receipts of $7,171,300,000 in fiscal year 2004-2005 and $7,475,900,000 in fiscal year 2005-2006 as modified by related Acts and actions of the General Assembly in an extraordinary or regular session. Direct services, obligations essential to the minimum level of constitutional functions, and other items that may be specified in this Act, are exempt from the requirements of this Plan. Each branch head shall prepare a specific plan to address a proportionate share of the General Fund revenue shortfall applicable to the respective branch. No budget revision action shall be taken by a branch head in excess of the actual or projected deficit.

The Governor, the Chief Justice, and the Legislative Research Commission shall direct and implement reductions in allotments and appropriations only for their respective branch budget units as may be necessary as well as take other measures which shall be consistent with the provisions of this Part and general branch budget bills.

In the event of a revenue shortfall under the provisions of KRS 48.120, General Fund budget reduction actions shall be implemented in the following sequence:

(1) The Local Government Economic Assistance and the Local Government Economic Development Funds shall be adjusted by the Secretary of the Finance and Administration Cabinet to equal revised estimates of receipts pursuant to KRS 42.4582 as modified by the provisions of this Act.

(2) Transfers of excess unappropriated and unbudgeted Restricted Funds other than fiduciary funds shall be applied as determined by the head of each branch for its respective budget units.

(3) Excess General Fund appropriations which accrue as a result of personnel vacancies and turnover, and reduced requirements for operating expenses, grants, and capital outlay shall be determined and applied by the heads of the executive, judicial, and legislative departments of state government for their respective branches. The branch heads shall certify the available amounts which shall be applied to budget units within the respective branches and shall promptly transmit the certification to the Secretary of the Finance and Administration Cabinet and the Legislative Research Commission. The Secretary of the Finance and Administration Cabinet shall execute the certified actions as transmitted by the branch heads.

Branch heads shall take care, by their respective actions, to protect, preserve, and advance the fundamental health, safety, legal and social welfare, and educational well-being of the citizens of the Commonwealth.

(4) Funds available in the Budget Reserve Trust Fund shall be applied in an amount not to exceed 25 percent of the trust fund balance in fiscal year 2004-2005 and 50 percent of the trust fund balance in fiscal year 2005-2006.

(5) Notwithstanding the provisions of KRS 48.130 and 48.600, if the actions contained in subsections (1) to (4) of this section are insufficient to eliminate an actual or projected revenue shortfall in the enacted General Fund revenue receipts, then the Governor is empowered and directed to take necessary actions with respect to the Executive Branch budget units to balance the budget by such actions conforming with the criteria expressed in the preceding subsection. Other items that may be specified in this Act are exempt from actions that may be taken by the Governor pursuant to the provisions of this Act.

PART VII

GENERAL FUND SURPLUS EXPENDITURE PLAN

1. Pursuant to KRS 48.700 and notwithstanding KRS 48.140, there is established a plan for the expenditure of General Fund surplus moneys pursuant to a General Fund Surplus Expenditure Plan contained in this Part for fiscal years 2004-2005 and 2005-2006. Pursuant to the enactment of the Surplus Expenditure Plan, General Fund moneys in the General Fund undesignated fund balance in excess of the amount determined in Part III, section (36), are appropriated for the purposes and in the priority sequence as follows: (1) Teacher salary funding support to public school districts in an amount sufficient to provide for the recurring impact in fiscal year 2005-2006 of the one and one-half percent pay increase provided by school districts in fiscal year 2004-2005 to the extent that amount is not already provided in this bill. The appropriate amount shall be calculated by the State Budget Director in consultation with the Commissioner of the Department of Education and the Secretary of the Education Cabinet. In the event that insufficient General Fund Surplus moneys are realized after the close of fiscal year 2003-2004 and fiscal year 2004-2005, the amount calculated as necessary by the State Budget Director shall be reserved and appropriated from the Budget Reserve Trust Fund for expenditure in fiscal year 2005-2006; and (2) Increased support to the Budget Reserve Trust Fund

up to the amount necessary to provide a balance equaling five percent of actual General Fund revenues for fiscal year 2003-2004 and fiscal year 2004-2005, respectively.

2. The Secretary of the Finance and Administration Cabinet shall determine, within 30 days after the close of the fiscal year 2003-2004, and the close of fiscal year 2004-2005, based on the official financial records of the Commonwealth, the amount of actual General Fund undesignated fund balance for the General Fund Surplus Account that may be available for expenditure pursuant to the Plan respectively in fiscal year 2004-2005 and fiscal year 2005-2006.

The Secretary of the Finance and Administration Cabinet shall certify the amount of actual General Fund undesignated fund balance available for expenditure to the Legislative Research Commission.

Subsequent to June 30, 2004, and June 30, 2005, funds that are certified as being available in the actual General Fund undesignated fund balance for the General Fund Surplus Account are appropriated respectively for expenditure in fiscal year 2004-2005 and fiscal year 2005-2006 pursuant to the Plan.

PART VIII

ROAD FUND BUDGET REDUCTION PLAN

There is established a Road Fund Budget Reduction Plan for fiscal year 2004-2005 and fiscal year 2005-2006. Notwithstanding KRS 48.130, in the event of an actual or projected shortfall in estimated Road Fund revenue receipts of $1,141,409,100 in fiscal year 2004-2005 and $1,162,506,700 in fiscal year 2005-2006 as determined by KRS 48.120(3), the Governor shall implement sufficient reductions as may be required to protect the highest possible level of service. No budget revision action shall be taken in excess of the actual or projected deficit.

PART IX

ROAD FUND SURPLUS EXPENDITURE PLAN

Notwithstanding KRS 48.140 and pursuant to KRS 48.710, there is established a plan of expenditures from the Road Fund Surplus Account. All moneys in the Road Fund Surplus Account shall be deposited in the State Construction Account and utilized to support projects in the fiscal biennium 2004-2006 Biennial Highway Construction Program.

PART X

PHASE I TOBACCO SETTLEMENT

(1) **General Purpose:** Part X of this Act prescribes the policy implementing aspects of the national settlement agreement between the tobacco industry and the collective states as described in KRS 248.701 to 248.727. In furtherance of that agreement, the General Assembly recognizes that the Commonwealth of Kentucky is a party to the Phase I Master Settlement Agreement (MSA) between the Participating Tobacco Manufacturers and 46 Settling States which provides reimbursement to states for smoking-related expenditures made over time.

(2) **State's MSA Share:** The Commonwealth's share of the MSA is equal to 1.7611586 percent of the total settlement amount. Payments under the MSA were made to the states in January and April of each year through 2003 and will be made annually in January thereafter.

(3) **MSA Payment Amount Variables:** The total settlement amount to be distributed each payment date is subject to change pursuant to several variables provided in the MSA, including inflation adjustments, volume adjustments, previously settled states adjustments, and the nonparticipating manufacturers adjustment.

(4) **Distinct Identity and Carry Forward of MSA Payment Deposits:** The General Assembly has determined that it shall be the policy of the Commonwealth that all Phase I Tobacco Settlement payments shall be deposited to the credit of the General Fund and shall maintain a distinct identity as Phase I Tobacco Settlement payments that shall not lapse to the credit of the General Fund surplus, but shall continue forward from each fiscal year to the next fiscal year to the extent that any balance is unexpended. Phase I Tobacco Settlement payment receipts in excess of the appropriated amounts contained in this Part shall not be utilized as part of any General Fund Budget Reduction Plan, and shall be exempt from all requirements of a Plan implemented under Part VI of this Act.

(5) **MSA Payment Estimates and Adjustments:** Based on the current estimates as reviewed by the Consensus Revenue Forecasting Group, the amount of MSA payments expected to be received in fiscal year 2004-2005 is $108,800,000 and in fiscal year 2005-2006 is $108,600,000. It is recognized that payments to be received by the Commonwealth are estimated and are subject to change. Any appropriations made from the estimated receipts are subject to adjustments based on actual receipts as received and certified by the Secretary of the Finance and Administration Cabinet. Certified payment receipts in a fiscal year that are in excess of appropriations contained in this Part for that fiscal year are appropriated to the Tobacco Settlement Agreement Fund in the General Fund for distribution in accordance with KRS 248.654, and shall be available for and subject to future appropriations by the General Assembly. The Secretary of the Finance and Administration Cabinet shall report to the Legislative Research Commission the amount of certified payment receipts for each fiscal year, noting the amount for each fiscal year, if any, of payment receipts in excess of appropriated amounts contained in this Part which have been deposited in the Tobacco Settlement Agreement Fund and distributed in accordance with KRS 248.654 pursuant to this section.

a. **State Enforcement:** Notwithstanding KRS 248.654, a total of $175,000 of the MSA payments received each fiscal year of the 2004-2006 biennium is appropriated to the Finance and Administration Cabinet, Department of Revenue for the state's enforcement of noncompliant nonparticipating manufacturers as specified below.

b. Agricultural Development Initiatives: Fifty percent of the MSA payments, less the above enforcement appropriations, received in fiscal year 2004-2005, estimated to be $54,312,500, and in fiscal year 2005-2006, estimated to be $54,212,500, is appropriated to the Kentucky Agricultural Development Fund to be used for agricultural development initiatives as specified below.

c. Early Childhood Development Initiatives: Twenty-five percent of the MSA payments, less the above enforcement appropriations, received in fiscal year 2004-2005, estimated to be $27,156,200, and in fiscal year 2005-2006, estimated to be $27,106,200, is appropriated for Early Childhood Development Initiatives as specified below.

d. Health Care Initiatives: Twenty-five percent of the MSA payments received, less the above enforcement appropriations, in fiscal year 2004-2005, estimated to be $27,156,300, and in fiscal year 2005-2006, estimated to be $27,106,300, is appropriated to the Kentucky Health Care Improvement Fund for health care initiatives as specified below.

A. STATE ENFORCEMENT

GENERAL FUND - PHASE I TOBACCO SETTLEMENT FUNDS

1. FINANCE AND ADMINISTRATION CABINET

Budget Unit	**2004-05**	**2005-06**
a. Revenue	175,000	175,000

B. AGRICULTURAL DEVELOPMENT APPROPRIATIONS

GENERAL FUND - PHASE I TOBACCO SETTLEMENT FUNDS

1. GENERAL GOVERNMENT

Budget Units	**2004-05**	**2005-06**
a. Governor's Office of Agricultural Policy	35,100,800	33,099,300

(1) Tobacco Settlement Funds – Allocations: Notwithstanding KRS 248.703(2)(b)2., and from the allocation provided therein, included in the above appropriation is up to $1,600,000 in fiscal year 2004-2005 and $1,600,000 in fiscal year 2005-2006 for the University of Kentucky Cooperative Extension Service to support the cost of providing a one-time bonus in each fiscal year for county extension agents in addition to any salary adjustments which may be made. Bonuses provided to county extension agents shall be provided in equal amounts to each county extension agent.

(2) Tobacco Settlement Funds - Allocations: Notwithstanding KRS 248.711(2), and from the allocation provided therein, counties that are allocated in excess of $20,000 annually may provide up to four percent of the individual county allocation, not to exceed $15,000 annually, to the county council in that county for administrative costs directly related to the performance of the duties prescribed in KRS 248.721. Administrative costs shall include only those expenditures that are directly related to the evaluation of needs, development of plans identifying programs in the county in need of agricultural development, and assisting applicants in obtaining money from the Agricultural Development Fund. Expenditures that are not directly attributable to the county council, and expenditures attributable to the operations of the county extension service, are not administrative costs.

b. Kentucky Infrastructure Authority	-0-	6,000,000

(1) Debt Service: Notwithstanding KRS 248.703(2)(b)2., and from the allocation provided therein, included in the above appropriation is $6,000,000 in fiscal year 2005-2006 for debt service for the Water and Sewer Resources Development Fund for Tobacco Counties provided in Part II, Capital Projects Budget. All necessary debt service amounts shall be appropriated from the General Fund and shall be fully paid regardless of whether there are sufficient moneys available to be transferred from tobacco supported funding program accounts to other accounts of the General Fund. Future debt service payments for the Water and Sewer Resources Development Fund for Tobacco Counties shall be provided from the General Fund.

2. ENVIRONMENTAL AND PUBLIC PROTECTION CABINET

Budget Unit	**2004-05**	**2005-06**
a. Natural Resources - Conservation	9,000,000	9,000,000

(1) Environmental Stewardship Program: Included in the above General Fund (Tobacco) appropriation is $9,000,000 in each fiscal year for the Environmental Stewardship Program.

3. FINANCE AND ADMINISTRATION CABINET

Budget Unit	**2004-05**	**2005-06**
a. Debt Service	10,211,700	6,113,200

(1) Debt Service: To the extent that revenues sufficient to support the required debt service appropriations are received from the Tobacco Settlement Program, those revenues shall be made available from those accounts to the appropriate account of the General Fund. All necessary debt service amounts shall be appropriated from the General Fund and shall be fully paid regardless of whether there is a sufficient amount available to be transferred from tobacco supported funding program accounts to other accounts of the General Fund.

TOTAL - AGRICULTURAL APPROPRIATIONS	54,312,500	54,212,500

C. EARLY CHILDHOOD DEVELOPMENT

GENERAL FUND - PHASE I TOBACCO SETTLEMENT FUNDS

1. EDUCATION CABINET

Budget Unit		2004-05	2005-06
a.	Learning and Results Services	1,888,400	1,888,400

2. HEALTH AND FAMILY SERVICES CABINET

Budget Units		2004-05	2005-06
a.	Community Based Services	8,300,400	8,300,400

(1) **Early Childhood Development Program and Child Advocacy Centers:** Included in the above General Fund (Tobacco) appropriation is $8,120,400 in fiscal year 2004-2005 and $8,120,400 in fiscal year 2005-2006 for the Early Childhood Development Program, and $180,000 in fiscal year 2004-2005 and $180,000 in fiscal year 2005-2006 for Child Advocacy Centers.

b.	Public Health	13,712,400	13,662,400

(1) **HANDS Program, Healthy Start, Universal Children's Immunizations, Folic Acid Program, Early Childhood Mental Health, and Early Childhood Oral Health:** Included in the above General Fund (Tobacco) appropriation is $7,599,900 in each fiscal year for the Health Access Nurturing Development Services (HANDS) Program; $2,000,000 in each fiscal year for Healthy Start initiatives; $2,000,000 in each fiscal year for Universal Children's Immunizations; $900,000 in each fiscal year for the Folic Acid Program; $875,000 in each fiscal year for Early Childhood Mental Health; and $337,500 in fiscal year 2004-2005 and $287,500 in fiscal year 2005-2006 for Early Childhood Oral Health.

c.	Mental Health and Mental Retardation Services	900,000	900,000

(1) **Substance Abuse Prevention and Treatment:** Included in the above General Fund (Tobacco) appropriation is $900,000 in each fiscal year for substance abuse prevention and treatment.

d.	Commission for Children with Special Health Care Needs	1,455,000	1,455,000

(1) **Universal Newborn Hearing Screening, Vision Screening, and Kentucky Early Intervention Services First Steps Program:** Included in the above General Fund (Tobacco) appropriation is $450,000 in each fiscal year for Universal Newborn Hearing Screening; $5,000 in each fiscal year for Vision Screening; and $1,000,000 each fiscal year for the Kentucky Early Intervention Services First Steps Program.

3. POSTSECONDARY EDUCATION

Budget Unit		2004-05	2005-06
a.	Kentucky Higher Education Assistance Authority	900,000	900,000

(1) **Early Childhood Scholarships:** Included in the above General Fund (Tobacco) appropriation is $900,000 in fiscal year 2004-2005 and $900,000 in fiscal year 2005-2006 for Early Childhood Scholarships.

TOTAL - EARLY CHILDHOOD APPROPRIATIONS 27,156,200 27,106,200

D. HEALTH CARE IMPROVEMENT APPROPRIATIONS

GENERAL FUND - PHASE I TOBACCO SETTLEMENT FUNDS

Notwithstanding KRS 304.17B-003(5), appropriations for health care improvement shall be as follows:

1. ENVIRONMENTAL AND PUBLIC PROTECTION CABINET

Budget Unit		2004-05	2005-06
a.	Insurance	16,782,600	16,751,700

(1) **Kentucky Access Program:** Included in the above General Fund (Tobacco) appropriation is $16,782,600 in fiscal year 2004-2005 and $16,751,700 in fiscal year 2005-2006 for the Kentucky Access Program.

2. HEALTH AND FAMILY SERVICES CABINET

Budget Unit		2004-05	2005-06
a.	Public Health	2,715,600	2,710,600

(1) **Smoking Cessation Program:** Included in the above General Fund (Tobacco) appropriation is $2,715,600 in fiscal year 2004-2005 and $2,710,600 in fiscal year 2005-2006 for the Smoking Cessation Program.

Budget Unit		2004-05	2005-06
b.	Mental Health/Mental Retardation Services	2,226,800	2,222,700

(1) **Substance Abuse Treatment Services:** Included in the above General Fund (Tobacco) appropriation is

$1,000,000 in each fiscal year for substance abuse treatment services in drug courts, and $1,226,800 in fiscal year 2004-2005 and $1,222,700 in fiscal year 2005-2006 for substance abuse treatment services through Regional Mental Health/Mental Retardation Boards.

3. POSTSECONDARY EDUCATION

Budget Unit	**2004-05**	**2005-06**
a. Council on Postsecondary Education	5,431,300	5,421,300
TOTAL - HEALTH CARE APPROPRIATIONS	27,156,300	27,106,300
TOTAL - PHASE I TOBACCO SETTLEMENT FUNDING PROGRAM	108,800,000	108,600,000

PART XI

STATE/EXECUTIVE BRANCH BUDGET SUMMARY

OPERATING BUDGET

		2003-04	**2004-05**	**2005-06**
General Fund - Tobacco		-0-	108,800,000	108,600,000
General Fund	4,685,000	7,118,479,500	7,473,739,100	
Restricted Funds		67,512,500	3,983,816,500	4,182,660,900
Federal Funds	60,845,500	6,469,459,800	6,556,919,800	
Road Fund		-0-	1,129,210,100	1,158,258,700
Bond Funds	-0-	200,000,000	-0-	
SUBTOTAL	133,043,000	19,009,765,900	19,480,178,500	

CAPITAL PROJECTS BUDGET

		2003-04	**2004-05**	**2005-06**
General Fund	-0-	1,000,000	6,300,000	
Restricted Funds		-0-	1,909,182,300	105,152,700
Federal Funds	563,000	184,573,700	58,964,000	
Road Fund		-0-	12,199,000	4,248,000
Bond Funds	5,500,000	806,171,000	26,768,000	
Agency Bonds	-0-	197,829,000	-0-	
Capital Construction Surplus		-0-	880,000	63,000
Investment Income		-0-	11,569,000	6,170,000
Other Funds	-0-	28,400,000	4,300,000	
SUBTOTAL	6,063,000	3,151,804,000	211,965,700	

TOTAL - STATE/EXECUTIVE BUDGET

		2003-04	**2004-05**	**2005-06**
General Fund - Tobacco		-0-	108,800,000	108,600,000
General Fund	4,685,000	7,119,479,500	7,480,039,100	
Restricted Funds		67,512,500	5,892,998,800	4,287,813,600
Federal Funds	61,408,500	6,654,033,500	6,615,883,800	
Road Fund		-0-	1,141,409,100	1,162,506,700
Bond Funds	5,500,000	1,006,171,000	26,768,000	
Agency Bonds	-0-	197,829,000	-0-	
Capital Construction Surplus		-0-	880,000	63,000
Investment Income		-0-	11,569,000	6,170,000
Other Funds	-0-	28,400,000	4,300,000	
TOTAL FUNDS		139,106,000	22,161,569,900	19,692,144,200

The above capital projects are directly funded in Part II, Capital Projects Budget, of this Act.

PART XII

TAXATION MEASURES

Notwithstanding KRS 48.310, the following statutes shall be amended as follows and shall have permanent effect, subject to future actions by the General Assembly:

Section 1. KRS 134.460 is amended to read as follows:

(1) Certificates of delinquency shall bear interest from the date of issuance until collected at the rate of twelve percent (12%) per annum simple interest. A fraction of a month is counted as an entire month. ***The total amount of the certificate of delinquency, the clerk's add-on fee provided in KRS 134.480, and the county attorney's add-on fee provided in Section 2 of this Part shall be included in the base for the interest calculation.***

(2) Certificates of delinquency shall be prima facie evidence that:

(a) The property represented by the certificate was subject to taxes levied thereon, and was assessed as required by law.

(b) The tax bill was valid and correct in all respects.

(c) The taxes were not paid at any time before the issuance of the certificate.

Section 2. KRS 134.500 is amended to read as follows:

(1) ***A certificate of delinquency***[~~Uncollectible tax claims~~] shall bear interest at twelve percent (12%) per annum simple interest from the date the certificate of delinquency is issued. A fraction of a month is counted as an entire month. The ***total amount of the certificate of delinquency***[~~sheriff's add-on fee provided in KRS 134.430~~], the clerk's add-on fee provided in KRS 134.480, and the county attorney's add-on fee provided in this section shall be ***included in the base for***[~~excluded from~~] the interest calculation[~~ except in counties containing cities of the first class or consolidated local government~~]. All tax bills on omitted property that were not turned over to the sheriff in time to be collected or to make the sale provided for in KRS 134.430 and 134.440 shall also be submitted to the fiscal court but shall be carried over as a charge against the sheriff at the time he makes his next regular settlement.

(2) The cabinet shall be responsible for the collection of certificates of delinquency and delinquent personal property tax bills; however, the cabinet shall first offer the collection duties to the county attorney, unless the cabinet determines that the county attorney has previously failed to perform collection duties in a reasonable and acceptable manner. Any county attorney desiring to perform the duties associated with the collection of delinquent tax claims shall enter into a contract with the cabinet on an annual basis. The terms of the contract shall specify the duties to be undertaken by the county attorney. These duties shall include but are not limited to the following actions:

(a) Within fifty (50) days after the issuance of a certificate of delinquency to the state, county, and taxing district, the county attorney or the Revenue Cabinet shall cause a notice of the purchase to be mailed by regular mail to the property owner at the address on the records of the property valuation administrator. The notice shall advise the owner that the certificate is a lien of record against all property of the owner, and bears interest at the rate of twelve percent (12%) per annum, and if not paid will be subject to collection by the county attorney as provided by law.

(b) The county attorney shall file in the office of the county clerk a list of the names and addresses to which the notice was mailed along with a certificate that the notice was mailed in accordance with the requirements of this section.

(c) All notices returned as undeliverable shall be submitted to the property valuation administrator. The property valuation administrator shall attempt to correct inadequate or erroneous addresses and, if property has been transferred, shall determine the new owner and the current mailing address. The property valuation administrator shall return the notices with the corrected information to the county attorney prior to the expiration of the one (1) year tolling period provided in KRS 134.470.

(d) Within ninety (90) days after the expiration of the one (1) year tolling period provided in KRS 134.470, the county attorney shall cause a notice of his intention to enforce the lien to be mailed to all owners whose tax bills remain delinquent. No second notice shall be required for addresses previously determined to be undeliverable and for which the property valuation administrator has not provided corrected information.

(e) Failure to mail the notices shall not affect the validity of the claim of the state, county, and taxing district. The postal cost of mailing the notices shall be added to the certificate of delinquency and, upon collection, the county attorney shall be reimbursed for the postage. The county attorney shall deliver at the same time a list of the owners whose tax bills remain delinquent to the property valuation administrator. The property valuation administrator shall review this list in accordance with the provisions of KRS 132.220 to establish that the properties on the list can be identified and physically located.

(3) The county attorney who enters into a contract with the cabinet shall have a period of two (2) years after the expiration of the one (1) year tolling period provided in KRS 134.470 to collect delinquent tax bills or to initiate court action for their collection. At the expiration of the two (2) years the cabinet may assume responsibility for all uncollected bills except those with pending court action.

(4) The county attorney who enters into a contract with the cabinet and performs his duties in respect to the certificate of delinquency and delinquent personal property tax bills shall be entitled to twenty percent (20%) of the amount due each taxing unit, whether the tax claim is voluntarily paid or is paid through sale or under court order, and the fee shall be paid to him by the county clerk when making distribution, as provided in KRS 134.480. This fee shall be added to the amount of the tax claims and paid by the persons paying the tax claims. They shall not be paid by the taxing districts or deducted from the taxes due the taxing districts. This fee shall be waived if the certificate of delinquency is paid by the taxpayer only within five (5) days of the sheriff's sale. If more than one (1) county attorney renders necessary services in an effort to

collect a tax claim, the attorney serving the last notice or rendering the last substantial service preceding collection shall be entitled to the fee. When the county attorney's office, in an effort to collect a certificate of delinquency, or delinquent personal property tax bills files a court action which is litigated by the taxpayer, an additional county's attorney fee equal to thirteen percent (13%) of the total tax plus ten percent (10%) penalty, may be added to the certificate or the bill and shall become part of the tax claim.

(5) If a county attorney chooses not to contract for these collection duties or if a county attorney fails to perform the duties required by the contract, the cabinet shall assume responsibility for the collection process. In the performance of those duties, the cabinet shall have all the powers, rights, duties, and authority with respect to the collection, refund, and administration of the amount due on the certificate of delinquency conferred generally upon the cabinet by Kentucky Revised Statutes including, but not limited to, KRS Chapters 131, 134, and 135. The twenty percent (20%) fee that would have otherwise been paid to the county attorney shall be paid to the cabinet for deposit in the delinquent tax fund provided for under KRS 134.400.

(6) Any action on behalf of the state, county, and taxing districts authorized by this section or by KRS 134.470, 134.490, or 134.540 shall be filed on relation of the secretary, and the petition may be sent to the cabinet, which may require revision in instances where it deems revision or amendment necessary. The cabinet shall advise the county attorney in all actions, and may send him special assistance when the secretary deems assistance necessary. A copy of the judgment shall also be sent to the cabinet. If the cabinet sends assistance to a county attorney who contracts to prosecute the suits or proceedings, the county attorney shall be entitled to his full fee. On the same day that suit is filed, the county clerk shall be given notice of its filing. Costs incident to the suit shall become a part of the tax claim.

(7) The cabinet may make its delinquent tax collection databases and other technical resources, including but not limited to income tax refund offsetting, available to the county attorney upon request from the county attorney. The county attorney seeking assistance shall enter into any agreements required by the cabinet to protect taxpayer confidentiality, to ensure database integrity, or to address other concerns of the cabinet.

(8) The county attorney may, at any time after assuming collection duties, enter into an agreement with the delinquent taxpayer to accept installment payments on the delinquent tax bill. The agreement shall not waive the county attorney's right to initiate court action or other authorized collection activities if the taxpayer does not make payments in accordance with the agreement.

PART XIII

HEALTH INFORMATION NETWORK

Notwithstanding KRS 48.310, the following statutes shall be created or amended as follows and shall have permanent effect, subject to future actions of the General Assembly:

SECTION 1. A NEW SECTION OF KRS CHAPTER 216 IS CREATED TO READ AS FOLLOWS:

The General Assembly declares that:

(1) In the interest of promoting administrative efficiency and quality patient care, the Commonwealth shall create a board to facilitate the development of a Kentucky Health Information Network. The first order of business of the board shall be to complete a study of the feasibility of developing a network using federal and private funds. The findings of the feasibility study shall be reported to the Kentucky General Assembly. The board shall not possess any power to implement any model or health project without the express consent of the Kentucky General Assembly.

(2) The federal government has encouraged the development of not-for-profit public and private partnerships to implement health information technology networks as a part of the National Health Information Infrastructure. Federal grants have been proposed to support the development of the infrastructure, but it is anticipated that most of the funding will come from private investments.

(3) The goals of the Kentucky Health Information Network shall be to:

- *(a) Improve patient safety;*
- *(b) Improve health care quality;*
- *(c) Enhance bioterrorism detection;*
- *(d) Empower health care consumers regarding their own personal health information;*
- *(e) Promote better understanding of health care costs; and*
- *(f) Reduce health care transactions costs;*

(4) The Kentucky Health Information Network shall be:

- *(a) An initiative set forth to improve the efficiency, effectiveness, and overall quality of health and health care in Kentucky;*
- *(b) A comprehensive knowledge-based network of interoperable systems of clinical, public health, and personal health information that will improve decision-making by making health information available when and where it is needed;*
- *(c) A set of technologies, standards, applications, and systems that support all facets of individual health, health*

care, and public health; and

(d) Voluntary with the right to withdraw; and

(5) The Kentucky Health Information Network shall not be a centralized database of medical records.

SECTION 2. A NEW SECTION OF KRS CHAPTER 216 IS CREATED TO READ AS FOLLOWS:

(1) The Kentucky Health Information Network Board is hereby created and attached to the Cabinet for Health Services for administrative purposes. The purpose of the board shall be to facilitate the building of the Kentucky Health Information Network in support of the National Health Information Infrastructure.

(2) The board shall be composed of the following members appointed by the Governor:

(a) President, or a designee, of the University of Kentucky;

(b) President, or a designee, of the University of Louisville;

(c) Chief information officer, or a designee, of the Governor's Office for Technology;

(d) Commissioner, or a designee, of the Office for the New Economy;

(e) Commissioner, or a designee, of the Department of Insurance;

(f) Secretary, or a designee, of the Cabinet for Health Services or the commissioner, or a designee, of the Department for Medicaid Services;

(g) Commissioner, or a designee, of the Department for Public Health;

(h) Adjutant general, or a designee, of the Department for Military Affairs or the executive director, or a designee, of the Office for Security Coordination of the Department of Military Affairs;

(i) Four (4) physicians engaged in the practice of medicine in this Commonwealth, two (2) appointed from a list of four (4) physicians recommended by the Kentucky Medical Association and two (2) appointed from a list of four (4) physicians recommended by the Kentucky Public Health Association;

(j) One (1) registered nurse appointed from a list of four (4) nurses recommended by the Kentucky Nurses Association;

(k) One (1) pharmacist appointed from a list of four (4) recommended by the Kentucky Pharmacists Association;

(l) Four (4) members appointed from a list of eight (8) individuals recommended by the Kentucky Hospital Association, two (2) representing rural hospitals, and two (2) representing urban hospitals; and

(m) Four (4) members at large, with two (2) representing health insurance companies and two (2) representing large companies with at least one thousand (1,000) employees, appointed from a list of five (5) individuals recommended by the Associated Industries of Kentucky.

(3) The board shall consist of the following nonvoting ex officio members:

(a) Two (2) members of the Senate, appointed by the President of the Senate; and

(b) Two (2) members of the House of Representatives, appointed by the Speaker of the House.

(4) Members appointed under paragraphs (i) to (m) of subsection (2) of this section shall serve a term of four (4) years and may serve two (2) consecutive terms, except that of the initial members appointed, four (4) members shall be appointed for two (2) years, five (5) members shall be appointed for three (3) years, and five (5) members shall be appointed for four (4) years. Ex officio members designated in paragraphs (a) to (h) of subsection (2) of this section and in subsection (3) of this section shall serve on the board only while holding their respective titles. The board shall annually elect a chairman and a vice chairman from among its appointed members.

(5) The chairman of the board shall be appointed by majority vote of the board.

(6) The board may appoint committees, whose members do not need to be members of the board, to provide recommendations to the board regarding any aspect of the development of the Kentucky Health Information Network or implementing electronic, administrative, clinical, public health, or personal health applications. Committees may include, but not be limited to a leadership committee, resource committee, provider committee, and health care practitioner committee.

(7) Members of the board shall be entitled to reimbursement for actual and necessary expenses when carrying out official duties of the board in accordance with state administrative regulations relating to travel reimbursements when funds are available.

(8) The board shall hire sufficient staff to carry out its work.

(9) The board shall elect an executive board of five (5) members representing two (2) major payor organizations, two (2) provider organizations, and one (1) public health organization to handle the day-to-day operations. Ex officio members shall not serve as members of the executive board.

SECTION 3. A NEW SECTION OF KRS CHAPTER 216 IS CREATED TO READ AS FOLLOWS:

If funds are available, the Kentucky Health Information Network Board created in Section 2 of this Part shall:

(1) Complete a study of the feasibility of developing a Kentucky health network using federal and private funds;

(2) Create a business plan to become a financially self-sustaining business entity;

(3) Facilitate the development of the Kentucky Health Information Network to create administrative and clinical efficiency and effectiveness and to promote quality and safety of clinical care upon approval of the Kentucky General Assembly;

(4) Apply for federal funds as these become available for the following purposes:

(a) Implementing pilot projects to develop a model health information network in support of the development of a national health information infrastructure, which may include but not be limited to applications for insurance enrollment, eligibility checking, claims processing, clinical knowledge management, decision support, telehealth, disease management, public health alert systems, and homeland security, including prevention and detection of, response to, and recovery from acts of terrorism;

(b) Establishing a secure data exchange platform to provide interconnectivity for health care providers, third party payors, and other authorized users;

(c) Formulating public and private partnerships to build the infrastructure and implement health information applications; and

(d) Implementing pilot projects to test computerized health information applications, including but not limited to consumer applications, chronic care management, and public health surveillance;

(5) Provide recommendations to the Cabinet for Health Services regarding administrative regulations related to:

(a) Data standards for communication and information exchange on the Kentucky Health Information Network that are compatible with any standards adopted by the federal Department for Health and Human Services or any other federal agency designated to oversee a national health information infrastructure;

(b) Standards for securing the confidentiality of protected patient information that are consistent with or more stringent than the Federal Health Insurance Portability and Accountability Act of 1996;

(c) Criteria for the disbursement of funds to community partners; and

(d) Evaluation requirements for any projects funded;

(6) Oversee the administration of any funds received or disbursed to community partners for pilot projects to develop the health information infrastructure or test applications. The match rate shall be limited to an amount equal to the amount of funds that the community partner has committed to the project, except that the board shall comply with federal regulations if federal funds are dispersed;

(7) Evaluate the costs and benefits of the projects funded;

(8) Oversee the implementation and operation of the Kentucky Health Information Network and any related network developed in connection with the board upon approval of the Kentucky General Assembly;

(9) Contract with a system integrator to provide implementation and core operations of the Kentucky Health Information Network;

(10) Promote the development and coordination of services provided by the network;

(11) Promote the marketing of the network and the sale of its services;

(12) Oversee the integration and delivery of services provided by the network; and

(13) Report the progress of the development of the network and a summary of any evaluation of pilot projects to the Interim Joint Committee on Health and Welfare on an annual basis.

SECTION 4. A NEW SECTION OF KRS CHAPTER 216 IS CREATED TO READ AS FOLLOWS:

(1) The Kentucky Health Information Network fund is established in the State Treasury. The Kentucky Health Information Network Board shall be authorized to use money in the account for the purposes of operating the board and disbursing funds to community organizations for projects related to the development of the Kentucky Health Information Network or testing health applications for the network. The fund may receive federal funds, state appropriations, gifts, grants, revolving funds, and any other public or private funds.

(2) Money deposited in the fund shall be disbursed by the State Treasurer upon the warrant of the board. This fund shall be used solely for the purposes of the board as approved by the board. The fund shall not lapse, and funds not expended during any fiscal year shall carry forward to the next fiscal year.

Section 5. KRS 194A.050 is amended to read as follows:

(1) The secretary shall formulate, promote, establish, and execute policies, plans, and programs and shall adopt, administer, and enforce throughout the Commonwealth all applicable state laws and all administrative regulations necessary under applicable state laws to protect, develop, and maintain the health, personal dignity, integrity, and sufficiency of the individual citizens of the Commonwealth and necessary to operate the programs and fulfill the responsibilities vested in the cabinet. The secretary shall promulgate, administer, and enforce those administrative regulations necessary to implement programs mandated by federal law, or to qualify for the receipt of federal funds and necessary to cooperate with other state and federal agencies for the proper administration of the cabinet and its programs.

(2) The secretary shall utilize the Public Health Services Advisory Council to review and make recommendations on contemplated administrative regulations. No administrative regulations issued under the authority of the cabinet shall be

filed with the Legislative Research Commission unless they are issued under the authority of the secretary, and the secretary shall not delegate that authority.

(3) Except as otherwise provided by law, the secretary shall have authority to establish by administrative regulation a schedule of reasonable fees, none of which shall exceed one hundred dollars ($100), to cover the costs of annual inspections of efforts regarding compliance with program standards administered by the cabinet. All fees collected for inspections shall be deposited in the State Treasury and credited to a revolving fund account to be used for administration of those programs of the cabinet. The balance of the account shall lapse to the general fund at the end of each biennium. Fees shall not be charged for investigation of complaints.

(4) The secretary shall consider the recommendations of the Kentucky Health Information Network Board created in Section 2 of this Part in promulgating administrative regulations to adopt:

- ***(a) Data standards for communication and information exchange on the Kentucky Health Information Network that are compatible with any standards adopted by the federal Department for Health and Human Services or any other federal agency designated to oversee a national health information infrastructure;***
- ***(b) Standards for securing the confidentiality of protected patient information that are consistent with or more stringent than the Federal Health Insurance Portability and Accountability Act of 1996;***
- ***(c) Criteria for the disbursement of funds to community partners participating in the Kentucky Health Information Network; and***
- ***(d) Evaluation requirements for any projects funded through the Kentucky Health Information Network.***

Section 6. KRS 45A.605 is amended to read as follows:

(1) As used in this section:

- (a) "Information highway" means a communication network for voice, data, and video communications technologies; and
- (b) "Agencies of the Commonwealth of Kentucky" includes all authorities; boards; commissions; councils; departments; program cabinets; the Kentucky Lottery Corporation; vocational schools; the Kentucky School for the Deaf; the Kentucky School for the Blind; upon written request of the Chief Justice, the Court of Justice; upon written request of the co-chairmen of the Legislative Research Commission, the General Assembly and the Legislative Research Commission; and upon written request of presidents, state institutions of higher education.

(2) The provisions of any other law notwithstanding, the Finance and Administration Cabinet may enter into one (1) or more contracts, on behalf of agencies of the Commonwealth of Kentucky, with any person, partnership, or corporation that operates an information highway. The information highway shall enable the Commonwealth to benefit from cost-effective telecommunications technologies and shall provide opportunities for the private sector. These opportunities shall include, but not be limited to, ***the implementation of transactions and activities associated with the Kentucky Health Information Network created in Section 3 of this Part and*** the provision of telehealth by licensed health-care providers as provided in KRS Chapters 205, 211, 304.17A, 310, 311, 312, 313, 314, 314A, 315, 319, 319A, 320, 327, 334A, and 335.

(3) Upon implementation, all agencies of the Commonwealth of Kentucky shall obtain all available communications services under contracts executed pursuant to subsection (2) of this section, except as provided under subsection (4) of this section.

(4) The secretary of the Finance and Administration Cabinet may grant exceptions to the mandatory use of the information highway upon good cause shown. ***The Kentucky Health Information Network Board may use the information highway to implement the network, but shall not be limited to its use for communication services.***

(5) Any contract awarded under subsection (2) of this section shall be deemed, for purposes of KRS 45A.050, a state agency price contract to which all political subdivisions and state-licensed nonprofit institutions of higher education may have access and use on the same terms as agencies of the Commonwealth of Kentucky. In addition, nonprofit schools providing elementary or secondary education and nonprofit health care organizations shall be allowed to have access and use the contract on the same terms as agencies of the Commonwealth of Kentucky. "Nonprofit schools" and "nonprofit health care organizations" mean those schools and health care organizations which have been granted tax-exempt status under the United States Internal Revenue Code.

(6) Any contract awarded under subsection (2) of this section shall be deemed a state agency price contract to which any entity that has been approved for economic development incentives under programs approved and administered by the Kentucky Economic Development Finance Authority may have access and use on the same terms as agencies of the Commonwealth of Kentucky.

(7) Any contract awarded under subsection (2) of this section shall be deemed a state agency price contract to which nonprofit organizations whose exclusive purpose is the delivery of services related to education, economic development, or cultural arts and humanities, may have access and use on the same terms as agencies of the Commonwealth of Kentucky. For the purposes of this section, "nonprofit organizations" means those organizations which have been granted tax-exempt status under Section 501(c)(3) of the United States Internal Revenue Code or those existing education based entities whose purpose is the delivery of services to state school systems, their employees, or their governing organizations and which have been granted tax-exempt status under Section 501(c)(6) of the United States Internal Revenue Code.

PART XIV
POSTSECONDARY INSTITUTION DEBT

Notwithstanding KRS 48.310, the following statutes are created or amended to read as follows and shall have permanent effect, subject to future action by the General Assembly:

SECTION 1. A NEW SECTION OF KRS CHAPTER 48 IS CREATED TO READ AS FOLLOWS:

(1) The amount of debt service on bonds issued to finance construction of new facilities or to renovate existing facilities used for auxiliary enterprises or for hospitals associated with postsecondary institutions and all revenues generated by such facilities, and including debt service for bonds previously issued for such facilities, shall not be included in any determination of the Commonwealth's debt capacity.

(2) For the purposes of this section, "auxiliary enterprises" means an entity of a postsecondary institution that exists to furnish goods or services to students, faculty, or staff and may incidentally serve the general public as well and that charges a fee directly related to, although not necessarily equal to, the cost of the goods or services. The term includes but shall not be limited to housing, food services, bookstores, recreation or fitness centers, parking facilities, and intercollegiate athletics, but does not include facilities designated as educational and general.

Section 2. KRS 48.180 is amended to read as follows:

In addition to the information required by KRS 48.110, the Governor shall submit the following information as a separate part of the branch budget request for the executive branch of government:

(1) Summary statements of the financial condition of the state, which shall include such detailed schedules of revenues and summary of expenditures by fund as specified by law in addition to those the Governor deems desirable; and summary statements of the estimated fund balances for the current fiscal year and each of the next two (2) fiscal years; and statement of the surplus account for the general fund and the road fund, for the budget reserve trust fund account, and for each special fund. Each surplus account shall show the excess of all current revenues over all current expenditures as of the beginning of each of the two (2) fiscal years last concluded, and all changes in each surplus account during each of such two (2) fiscal years.

(2) A statement as of the close of the last completed fiscal year and as of the close of the current fiscal year, showing ***separately*** for the Commonwealth ***and for postsecondary institutions as issuers of auxiliary enterprises agency revenue bonds or hospital agency revenue bonds*** the total funded debt, the value of sinking fund assets, the net funded debt, the floating liabilities as of the close of the last completed fiscal year and the estimated floating liabilities as of the end of the current fiscal year, and the total debt as of the close of the last completed fiscal year and as of the close of the current fiscal year.

(3) A summary statement for each major fund of the cash resources estimated to be available at the beginning of each of the next two (2) fiscal years, and the estimated cash receipts of the fiscal year.

(4) Such other information as is deemed desirable or is required by law or regulation.

SECTION 3. A NEW SECTION OF KRS 164A.550 TO 164A.630 IS CREATED TO READ AS FOLLOWS:

(1) The governing board of any postsecondary institution may issue auxiliary enterprises agency revenue bonds or hospital agency revenue bonds in order to construct, improve, or equip an authorized facility. These bonds shall not be issued to finance educational and general facilities; however, up to ten percent (10%) of the facility financed by the bonds may be used for educational and general uses. Any sale of bonds issued under this section shall be competitively bid pursuant to KRS 424.360.

(2) A capital project to be financed with auxiliary enterprises agency revenue bonds or hospital agency revenue bonds shall be of the type where the auxiliary enterprise system or hospital system will produce revenues, after payment of costs related to operating and maintaining the system, sufficient to meet all debt service required of the system, issuance costs, reserve fund requirements, insurance premium, and any other expenditures necessary for financing. The governing board that issues an auxiliary enterprises agency revenue bond or a hospital agency revenue bond under this section shall not request an appropriation from the state general fund to pay debt service or other financing costs of the bonds. The governing board shall certify in writing prior to issuance of these agency revenue bonds that the system will produce sufficient revenues to pay for all such expenses, and submit a copy of the certification to the Council on Postsecondary Education, the Finance and Administration Cabinet, and the Capital Projects and Bond Oversight Committee.

(3) All bonds issued under this section shall be obligations only of the governing board of the institution, payable as to both principal and interest from the auxiliary enterprise revenues or hospital system revenues pledged for that purpose. In no event shall the bonds be considered a debt for which the credit of the Commonwealth is pledged. Any resolution adopted under the provisions of this section shall constitute a contract between the governing board of the institution and the holder of any bond and shall be binding in all respects upon the governing board and its successors.

(4) All capital projects to be financed under this section shall be authorized by the General Assembly by title and project scope as an auxiliary enterprises agency revenue bond project or a hospital agency revenue bond project. Notwithstanding KRS 56.495, the governing board may authorize expenditures totaling less than four hundred thousand ($400,000) for necessary financial analysis and project development prior to General Assembly authorization

and choose, independent of the Office of Financial Management, an underwriter, financial advisor, or bond counsel notwithstanding KRS 45A.850; however, all funds advanced for this purpose shall be repaid from the proceeds of the bonds upon issuance.

(5) The governing board shall specify by resolution the project authorized to be financed by the auxiliary enterprises agency revenue bonds or hospital agency revenue bonds. The resolution shall fix the initial minimum rents, tolls, fees, and other charges to be imposed in connection with the services furnished by the related system; and, in those cases where the facility includes limited components relating to educational and general uses as provided in subsection (1) of this section, the resolution may also provide that the governing board pay from the institution's operating budget the reasonable cost and value of any service rendered for those educational and general uses.

(6) The charges for the services from the facility, together with the available revenues of any other facility or facilities of the type that generate revenues and subject to the provisions of this section that are pledged to the payment of the bonds, shall be sufficient at all times to provide for the payment of the interest and to fund a sinking fund to accomplish retirement of the bonds at or before maturity, and to pay the current costs of operating and maintaining the facility to the extent these expenses are not otherwise provided. The charges shall be revised from time to time as to produce sufficient revenues prescribed by this section.

(7) The resolution shall fix the extent of the pledge of revenues generated by any other postsecondary facility or facilities described above, and may specify the terms and conditions upon which additional bonds may be thereafter issued and sold ranking on a parity with and payable from the same sources as the bonds authorized by such resolution, and such additional parity bonds may thereafter be so issued and sold to pay all or any part of the cost of the additional facility or facilities.

(8) Upon authorization of an auxiliary enterprises agency revenue bond project or a hospital agency revenue bond project, the governing board of the institution may issue revenue bond anticipation notes or advance moneys from other legally available funds of the institution in order to pay for the costs of land acquisition, site development, studies, professional services, and other costs incidental to the letting of construction bids. Any moneys advanced by the governing board shall be reimbursed from the proceeds of these bonds.

(9) If the governing board is unable to pay the required principal and interest payments due on bonds issued under this section from system revenues or from other available agency revenues and the governing board fails to transmit to the paying agent bank or trustee the debt service and administrative payments when due as required by the bond issuance resolution, the paying agent bank or trustee shall notify the secretary of the Finance and Administration Cabinet in writing and request that the cabinet withhold or intercept from the governing board a sufficient portion of any appropriated state funds not yet disbursed to the institution to satisfy the required payment on the bonds. If the secretary determines that the institution is in risk of defaulting on the payment of the bonds or has defaulted, the secretary shall notify the governing board and within five (5) days remit payment to the paying agent bank or trustee such funds as are required from the appropriation to the institution. Thereafter, the governing board shall, to the extent it is otherwise legally permitted, take action within sixty (60) days to adopt a resolution to generate additional revenues, such as increasing the minimum rents, tolls, fees, and other charges, in order to positively adjust remittances to the funds accounts. Nothing in this section shall be construed to create any obligation on the part of the Commonwealth to make any payment on behalf of the defaulting institution other than from funds previously appropriated to the governing board of that institution.

Section 4. KRS 56.450 is amended to read as follows:

(1) There is recognized, as an independent agency of the state within the meaning of KRS Chapter 12, and as a constituted authority of the Commonwealth of Kentucky, a state and a sovereign entity within the meaning of regulations of the United States Department of the Treasury, Internal Revenue Service, a State Property and Buildings Commission composed of the Governor, who shall be chairman thereof, the Lieutenant Governor who shall be vice chairman of the commission, the Attorney General, the secretary of the Cabinet for Economic Development, the secretary of the Finance and Administration Cabinet, and the secretary of the Revenue Cabinet, or their alternates as authorized in subsection (5) of this section.

(2) No member of the commission shall receive any salary, fee, or other remuneration for his services as a member of the commission, but each member shall be entitled to be reimbursed for his ordinary traveling expenses, including meals and lodging, incurred in the performance of his duties.

(3) The commission shall constitute a public body corporate with perpetual succession and power in its name to contract and be contracted with, sue and be sued, adopt bylaws, have and use a corporate seal, and exercise all of the powers granted to private corporations generally in KRS Chapter 271B, except as that chapter may be inconsistent with KRS 56.440 to 56.550.

(4) Subject to the provisions of KRS 56.550, but notwithstanding any other provision of the Kentucky Revised Statutes to the contrary, all revenue bonds issued by state agencies, except as provided in this chapter (but not including bonds issued directly by and in the name of the Commonwealth of Kentucky under authorization of the executive cabinet), shall be issued under the provisions of this chapter. As an additional and alternative method for the issuance of revenue bonds under the provisions of this chapter, upon application of any state agency and approval by the commission, the commission acting for and on behalf of said state agency may issue revenue bonds in its own name, in accordance with the terms and provisions of KRS Chapter 58, secured by and payable solely from all or any part of the revenues of the state agency as

may be specified and provided in the approved application. Any covenants and undertakings of the state agency in the approved application with regard to the production of revenues and the use, application, or disposition thereof may be enforced by the holders of any of the revenue bonds or by any trustee for such bondholders. The issuance of any revenue bonds for the state or any of its agencies by or on behalf of the Kentucky Economic Development Finance Authority and the issuance of any revenue bonds for economic development projects authorized by Acts 1980, Ch. 109, shall require the prior approval of the State Property and Buildings Commission. In issuing bonds under its own name, or in approving issuance of bonds by other state agencies, the commission shall be deemed to be acting for the state government of the Commonwealth of Kentucky as one (1) unit within the meaning of the regulations of the United States Department of the Treasury, Internal Revenue Service, and it shall be limited to the issuance of bonds to accomplish the public purposes of that unit.

(5) (a) Each member of the commission may designate, by an instrument in writing over his signature and filed with the secretary as a public record of the commission, an alternate with full authority to attend in the absence of the appointing member for any reason, any properly convened meeting of the commission and to participate in the consideration of, and voting upon, business and transactions of the commission. Any designation of an alternate may, in the discretion of the appointing member, be limited upon the face of the appointing instrument, to be effective only for a designated meeting or only for specified business; or the same may be shown on the face of the appointing instrument to be on a continuing basis (but in no case for a period of more than four (4) years), whenever the appointing member is unable to attend, but always subject to revocation by the appointing member in an instrument of like formality, similarly filed with the secretary as a public record of the commission. Any party transacting business with the commission, or materially affected thereby, shall be entitled to accept and rely upon a joint certificate of the secretary of the commission and any member of the commission concerning the designation of any alternate, the time of designation, the scope thereof, and if of a continuing nature, whether the same has been revoked, and when; and the joint certificate shall be made and delivered to any such party within a reasonable time after written request is made therefor with acceptable identification of the business or transaction referred, and of the requesting party's interest therein. Each alternate shall be a person on the staff of the appointing member, or in the employ of his agency or department of the government of the Commonwealth, as the case may be.

(b) Any four (4) members of the commission, or their alternates authorized under paragraph (a) of this subsection, shall constitute a quorum and shall by majority vote be authorized to transact any and all business of the commission.

(c) The State Property and Buildings Commission is reconstituted as of October 1, 1976, with the powers herein provided.

(6) Any bonds authorized by the General Assembly for projects at postsecondary institutions or any refundings of such bonds that require a specific appropriation from the state general fund for associated debt service shall be issued by the commission unless the secretary of the Finance and Administration Cabinet approves the bonds to be issued by the institution. This approval shall be transmitted by the secretary, with findings of fact, to the Capital Projects and Bond Oversight Committee.

PART XV

BREAST CANCER RESEARCH, EDUCATION, AWARENESS, SCREENING, TREATMENT, AND FUNDING

Notwithstanding KRS 48.310, the following statutes are created to read as follows and shall have permanent effect, subject to future action by the General Assembly:

SECTION 1. A NEW SECTION OF KRS CHAPTER 141 IS CREATED TO READ AS FOLLOWS:

(1) Effective for taxable years beginning January 1, 2005, any taxpayer required to file a return under KRS 141.180 who is entitled to an income tax refund and who desires to contribute to the breast cancer research and education trust fund created under Section 2 of this Part may designate an amount, not to exceed the amount of the refund, to be paid to the fund. Taxpayers filing a joint return may each designate a portion of the refund to be paid to the trust fund. A designation made under this section shall not affect the income tax liability of the taxpayer, but it shall reduce the income tax refund by the amount designated.

(2) The tax refund designation authorized by this section shall be printed on the face of the Kentucky individual income tax form.

(3) The instructions accompanying the individual income tax return shall include a description of the breast cancer education and research trust fund and the purposes for which the funds from the income tax checkoff may be used.

(4) The secretary of the Revenue Cabinet shall, by July 1, 2006, and by July 1 of each year thereafter, transfer the funds designated by taxpayers under this section to the breast cancer education and research trust fund created by Section 2 of this Part.

SECTION 2. A NEW SECTION OF KRS CHAPTER 211 IS CREATED TO READ AS FOLLOWS:

(1) The breast cancer education and research trust fund is created as a separate revolving fund. The trust fund shall consist of funds collected from the income tax checkoff created under Section 1 of this Part and any other proceeds from grants, contributions, appropriations, or other moneys made available for the purposes of the trust fund.

(2) Trust fund amounts not expended at the close of a fiscal year shall not lapse but shall be carried forward to the next

fiscal year.

(3) Any interest earnings of the trust fund shall become a part of the trust fund and shall not lapse.

(4) Trust fund moneys shall be used to support breast cancer research, education, treatment, screening, and awareness in Kentucky. Funds shall be distributed as directed by the breast cancer research and education trust fund board established by Section 3 of this Part.

(5) Moneys transferred to the trust fund pursuant to Section 1 of this Part are hereby appropriated for the purposes set forth in Sections 2 to 4 of this Part.

SECTION 3. A NEW SECTION OF KRS CHAPTER 211 IS CREATED TO READ AS FOLLOWS:

(1) The Breast Cancer Research and Education Trust Fund Board is hereby created for the purpose of administering the trust fund created under Section 2 of this Part. The board shall be composed of seven (7) members as follows:

  (a) The director of the University of Louisville Brown Cancer Center or the director's appointed designee;

  (b) The director of the University of Kentucky Markey Cancer Center or the director's appointed designee;

  (c) The president of the Kentucky Breast Cancer Alliance or the president's appointed designee;

  (d) The director of the Kentucky Cancer Program East or the director's appointed designee;

  (e) The director of the Kentucky Cancer Program West or the director's appointed designee; and

  (f) Two (2) citizens, one (1) of which shall be a breast cancer survivor, to be appointed by the Governor.

(2) The board shall be attached to the Cabinet for Health Services, Office of Women's Physical and Mental Health, for administrative purposes.

(3) The executive director of the Office of Women's Physical and Mental Health shall convene the first meeting of the board within sixty (60) days of the effective date of this Act.

(4) Board members shall serve without compensation, but may receive reimbursement for their actual and necessary expenses incurred in the performance of their duties.

(5) The term of each appointed member shall be four (4) years.

(6) A member whose term has expired may continue to serve until a successor is appointed and qualifies. A member who is appointed to an unexpired term shall serve the rest of the term and until a successor is appointed and qualifies. A member may serve two (2) consecutive four (4) year terms and shall not be reappointed for four (4) years after the completion of those terms.

(7) A majority of the full membership of the board shall constitute a quorum.

(8) At the first meeting, the board shall elect, by majority vote, a president who shall preside at all meetings and coordinate the functions and activities of the board. The president shall be elected or reelected each calendar year thereafter.

(9) The board shall meet at least two (2) times annually, but may meet more frequently, as deemed necessary, subject to call by the president or by request of a majority of the board members.

SECTION 4. A NEW SECTION OF KRS CHAPTER 211 IS CREATED TO READ AS FOLLOWS:

The Breast Cancer Research and Education Trust Fund Board created by Section 3 of this Part shall:

(1) Develop a written plan for the expenditure of trust funds made available under Section 2 of this Part. The initial plan shall be completed on or before October 1, 2005, and shall be updated on an annual basis on or before October 1 of each year thereafter. The plan shall, at a minimum, include the following:

  (a) A summary of existing breast cancer education, awareness, treatment, and screening programs provided to residents of Kentucky by type of program and by geographic area;

  (b) A needs assessment for the Commonwealth of Kentucky that identifies additional programs that are needed by program type and geographic area, with support for why the identified programs are needed;

  (c) A prioritized list of programs and research projects that the board will address with funding available through the competitive grant program established under subsection (2) of this section;

(2) Promulgate administrative regulations to establish a competitive grant program to provide funding to not-for-profit entities, educational institutions, and government agencies in Kentucky offering programs or services in the areas of breast cancer research, education, awareness, treatment, and screening.

  (a) The grant program shall give preference to programs proposing to serve the medically undeserved population.

  (b) The grant program shall provide funding to projects and programs in accordance with the priorities established in the plan developed under subsection (1) of this section.

  (c) The administrative regulations shall, at a minimum:

    1. Establish an application process and requirements;

    2. Set forth program and outcome measurement requirements;

    3. Establish an application review and award process; and

4. Provide monitoring, oversight, and reporting requirements for funded programs;

(3) Promulgate administrative regulations necessary to carry out the provisions of Sections 2 to 4 of this Part; and

(4) Provide to the Governor and the Legislative Research Commission an annual report by October 1 of each year. The report shall include the plan developed under subsection (1) of this section for the expenditure of funds for the current and next fiscal year; a summary of the use and impact of prior year funds; a summary of the activities of the board during the prior fiscal year; and any recommendations for future initiatives or action regarding breast cancer research, education, awareness, treatment, and screening.

PART XVI

PUBLIC SERVICE STUDENT LAW SCHOOL LOAN ASSISTANCE PROGRAM

Notwithstanding KRS 48.310, the following statutes are created or amended to read as follows and shall have permanent effect, subject to future action by the General Assembly:

SECTION 1. A NEW SECTION OF KRS CHAPTER 164A IS CREATED TO READ AS FOLLOWS:

As used in Sections 1 to 5 of this Part:

(1) "Authorized reimbursement period" means a two (2) year period during which the student law school loan expenses of an eligible attorney are authorized to be reimbursed under Section 2 of this Part.

(2) "Eligible attorney" means an attorney in a nonelective position who is employed either full-time or part-time and working at least twenty (20) hours per week:

(a) Currently employed by the:

1. Office of Attorney General or the Prosecutors Advisory Council pursuant to KRS Chapter 15, including assistant Commonwealth's attorneys, assistant county attorneys, and assistant attorney generals; or

2. Department of Public Advocacy under KRS Chapter 31, including those attorneys employed full-time by a nonprofit organization operating under a contract with the Department of Public Advocacy pursuant to KRS Chapter 31; or

3. Nonprofit legal services organizations designated as eligible to receive funds from the federal Legal Services Corporation to provide civil legal services to the indigent pursuant to KRS Chapter 27A; and

(b) Whose application under Section 2 of this Part has been accepted and authorized to receive assistance in the repayment of his or her student law school loan expenses by the Kentucky Higher Education Assistance Authority. Part-time employees must also be approved by the Prosecutors Advisory Council.

(3) "Student law school loan expenses" means the cumulative total of the eligible attorney's outstanding student law school loans; and

(4) "Student law school loan" means any indebtedness incurred by the eligible attorney solely to pay higher education expenses covering the cost of attendance at any law school at which the eligible attorney completed course work required to obtain a law degree. Student law school loan includes indebtedness used to refinance indebtedness that qualifies as a student law school loan and shall not include any indebtedness owed to a person who is related to the eligible attorney within the meaning of section 267(b) or 707(b)(1) of the Internal Revenue Code.

SECTION 2. A NEW SECTION OF KRS CHAPTER 164A IS CREATED TO READ AS FOLLOWS:

(1) The Public Service Student Law School Loan Assistance Authority is hereby created and shall be administered by the Kentucky Higher Education Assistance Authority. Any eligible attorney as defined in Section 1 of this Part may apply to the Kentucky Higher Education Assistance Authority for assistance under the program in repaying the attorney's student law school expenses.

(2) To be accepted for student law school loan repayment assistance, an applying eligible attorney shall:

(a) Be currently licensed to practice law in the Commonwealth of Kentucky; and

(b) Sign a statement agreeing to remain in his or her present employment for a period of two (2) years.

(3) The corporation specified in Section 6 of this Part shall, to the extent funds are appropriated and available for such purposes, either advance a new loan to discharge the student law student school loans or authorize reimbursement to all eligible attorneys who apply and meet the qualifications of subsection (2) of this section.

SECTION 3. A NEW SECTION OF KRS CHAPTER 164A IS CREATED TO READ AS FOLLOWS:

(1) The Kentucky Higher Education Assistance Authority shall annually reimburse an eligible attorney for a portion of the attorney's student law school loan expenses actually paid by the eligible attorney in the preceding year during the authorized reimbursement period, to the extent funds are appropriated and available, as determined under subsection (2) of this section.

(2) The portion of student law school loan expense to be reimbursed each year to an eligible attorney shall be an amount determined as follows:

(a) For a full-time attorney, the amount shall be the aggregate of the lesser of the eligible attorney's scheduled monthly payments for student law school loan expenses or five hundred dollars ($500) per month; and

(b) For a part-time attorney, the amount shall be the aggregate of the lesser of one-half (1/2) of the eligible attorney's scheduled monthly payments for student law school loan expenses or two hundred fifty dollars ($250) per month.

(3) An eligible attorney receiving student law school loan assistance who voluntarily or involuntarily terminates his or her employment before the expiration of the authorized reimbursement period shall not be required to repay any funds that were paid to the eligible attorney during that reimbursement period.

(4) An eligible attorney receiving student law school loan assistance who takes a leave of absence or whose employment is involuntarily terminated shall not be reimbursed for student law school loan payments during the leave of absence or after the date of termination.

(5) After the expiration of an eligible attorney's authorized reimbursement period, an attorney who desires further student law school loan assistance shall be required to reapply for the assistance for a new two (2) year period, under the provisions of Section 4 of this Part. A full-time employee may qualify for student law school loan assistance a maximum of ten (10) years and a part-time employee may qualify for student law school loan assistance a maximum of six (6) years.

SECTION 4. A NEW SECTION OF KRS CHAPTER 164A IS CREATED TO READ AS FOLLOWS:

(1) The Kentucky Higher Education Assistance Authority shall administer the provisions of Sections 1 to 5 of this Part.

(2) The Kentucky Higher Education Assistance Authority shall promulgate administrative regulations that create an application and repayment process for the administration of Sections 1 to 5 of this Part.

(3) The Kentucky Higher Education Assistance Authority may, in accordance with any administrative regulations promulgated by the authority, delegate to the entities employing eligible attorneys the following responsibilities:

(a) Certifying an applicant's employment status; and

(b) Notifying the authority of the termination of employment or leave of absence, last known residential address, business and residential phone numbers, and any information about new employment of an eligible attorney.

(4) Reimbursement of student law school loan expenses shall not be awarded to any person who is in default on any obligation to the Kentucky Higher Education Assistance Authority or the Kentucky Higher Education Student Loan Corporation under any program administered by the Kentucky Higher Education Assistance Authority or the Kentucky Education Student Loan Corporation until financial obligations to the Kentucky Higher Education Student Loan Corporation are satisfied, except that ineligibility for this reason may be waived by the Kentucky Higher Education Assistance Authority at its sole discretion.

SECTION 5. A NEW SECTION OF KRS CHAPTER 164A IS CREATED TO READ AS FOLLOWS:

(1) The funds received to implement Sections 1 to 5 of this Part shall be credited to the Public Service Student Law School Loan Assistance Program trust fund, which is hereby created in the State Treasury.

(2) Federal funds or other funds that may be made available to supplement or match state funds for the Public Service Student Law School Loan Assistance Program created by Section 2 of this Part shall be credited to the trust fund created in subsection (1) of this section.

(3) Funds deposited to the credit of the Public Service Student Law School Loan Assistance Program trust fund shall be used to finance the Public Service Student Law School Loan Assistance Program created by Section 2 of this Part, as well as to defray administrative expenses incurred by the Kentucky Higher Education Assistance Authority and are hereby appropriated.

(4) Funds unexpended at the close of a fiscal year shall not lapse but shall be carried forward to the next fiscal year.

(5) Any interest earnings of the trust fund shall become part of the trust fund and shall not lapse to the general fund.

Section 6. KRS 164A.337 is amended to read as follows:

(1) The board is authorized to incorporate an organization pursuant to KRS Chapter 273 for the eleemosynary, charitable, and educational purposes of administering an endowment trust. The organization so created shall be an instrumentality of the Commonwealth, but shall possess no part of the sovereign powers of the Commonwealth. The corporation shall be created to qualify as a tax exempt organization pursuant to Section 501(c)(3) of the Internal Revenue Code.

(2) The endowment trust created pursuant to subsection (1) of this section *shall receive funds provided under Sections 7 and 8 of this Part and* shall solicit and accept gifts, grants, donations, bequests, or other endowments, including general fund appropriations from the Commonwealth and grants from any federal or other governmental agency, for the purposes of the endowment trust.

(3) The endowment trust shall provide *assistance under the Public Service Student Law School Loan Assistance Program under the provisions of Sections 1 to 5 of this Part and* student financial assistance benefits, including, but not limited to, grants, scholarships, or loans to pay higher education costs of members of the public, *including but not limited to those individuals* designated as beneficiaries of participation agreements under the Kentucky Educational Savings Plan Trust, who enroll in an institution of higher education in Kentucky*, and beneficiaries under a prepaid tuition contract with the Commonwealth Prepaid Tuition Trust Fund*.

(4) The board is authorized to transfer to the endowment trust, after its qualification under Section 501(c)(3) of the Internal

Revenue Code, any funds or assets then held in the endowment fund initially established pursuant to KRS 164A.335.

(5) Any gifts, grants, or donations made by any governmental unit or any person, firm, partnership*,*[~~ or~~] corporation*, or civic or nonprofit organization* to the endowment trust shall be a grant, gift, or donation for the accomplishment of a valid public, eleemosynary, charitable, and educational purpose.

(6) The endowment trust shall submit an annual audited report, in accordance with KRS 164A.365(1) and (2), to the program administrator not later than the fifteenth of each September.

SECTION 7. A NEW SECTION OF KRS CHAPTER 23A IS CREATED TO READ AS FOLLOWS:

In criminal cases, a fee of two dollars ($2) shall be added to the costs imposed by KRS 23A.205 that the defendant is required to pay. The circuit clerk shall monthly remit the moneys collected to the endowment trust created under Section 6 of this Part.

SECTION 8. A NEW SECTION OF KRS CHAPTER 24A IS CREATED TO READ AS FOLLOWS:

In criminal cases, a fee of two dollars ($2) shall be added to the costs imposed by KRS 24A.175 that the defendant is required to pay. The circuit clerk shall monthly remit the moneys collected to the endowment trust created under Section 6 of this Part.

PART XVII

CHILD SUPPORT

Notwithstanding KRS 48.310, the following statute is amended to read as follows and shall have permanent effect, subject to future action by the General Assembly:

Section 1. KRS 403.213 is amended to read as follows:

(1) The Kentucky child support guidelines may be used by the parent, custodian, or agency substantially contributing to the support of the child as the basis for periodic updates of child support obligations and for modification of child support orders for health care. The provisions of any decree respecting child support may be modified only as to installments accruing subsequent to the filing of the motion for modification and only upon a showing of a material change in circumstances that is substantial and continuing.

(2) Application of the Kentucky child support guidelines to the circumstances of the parties at the time of the filing of a motion or petition for modification of the child support order which results in equal to or greater than a fifteen percent (15%) change in the amount of support due per month shall be rebuttably presumed to be a material change in circumstances. Application which results in less than a fifteen percent (15%) change in the amount of support due per month shall be rebuttably presumed not to be a material change in circumstances. For the one (1) year period immediately following enactment of this statute, the presumption of material change shall be a twenty-five percent (25%) change in the amount of child support due rather than the fifteen percent (15%) stated above.

(3) Unless otherwise agreed in writing or expressly provided in the decree, provisions for the support of a child shall be terminated by emancipation of the child unless the child is a high school student when he reaches the age of eighteen (18). In cases where the child becomes emancipated because of age, but not due to marriage, while still a high school student, the court-ordered support shall continue while the child is a high school student, but not beyond completion of the school year during which the child reaches the age of nineteen (19) years. *The court may order the continuation of child support beyond the age of emancipation for a child whom the court determines to be mentally ill within the meaning of KRS Chapter 202A or KRS Chapter 645, mentally retarded within the meaning of KRS Chapter 202B, or disabled within the meaning of KRS Chapter 387.* Provisions for the support of the child shall not be terminated by the death of a parent obligated to support the child. If a parent obligated to pay support dies, the amount of support may be modified, revoked, or commuted to a lump-sum payment, to the extent just and appropriate in the circumstances. Emancipation of the child shall not terminate the obligation of child support arrearages that accrued while the child was an unemancipated minor.

(4) The child support guidelines table shall be reviewed at least once every four (4) years by a commission consisting of the following persons:

- (a) The secretary of the Cabinet for Families and Children or a supervisory staff person designated by him;
- (b) Two (2) members of the Kentucky Bar Association who have at least six (6) consecutive years' experience and are presently practicing domestic relations cases, one (1) member from a metropolitan or large urban area and one (1) member from a less populated area;
- (c) Two (2) Circuit Judges appointed by the Chief Justice of the Kentucky Supreme Court, one (1) from a metropolitan or large urban area, and one (1) from a less populated area;
- (d) One (1) District Judge appointed by the Chief Justice of the Kentucky Supreme Court;
- (e) Two (2) county attorneys appointed by the president of the County Attorneys Association, one (1) from a metropolitan or large urban area and one (1) from a less populated area;
- (f) The Attorney General or his designee, who shall be an attorney from his office;
- (g) One (1) person who is a custodial parent;
- (h) One (1) person who is a noncustodial parent;
- (i) One (1) person who is a parent with split custody; and

(j) One (1) child advocate.

The members designated in paragraphs (g) to (j) of this subsection shall be appointed by the Governor from a list of three (3) names for each category submitted by the Cabinet for Families and Children. If the status of one (1) of these members changes, the member shall be replaced through appointment by the Governor from a list of three (3) names submitted by the cabinet.

(5) The commission shall make a recommendation to the Kentucky General Assembly to ensure that the child support guidelines table results in a determination of appropriate child support amounts.

The House Committee Amendment No. 1 to the House Committee Substitute to **SB 100** is as follows:

SB 100, Part III

On page 332, after line 9 but before line 10, by adding the following new language:

"67. Legislative Compensation: Notwithstanding House Bill 397 of the 2004 Regular Session of the General Assembly and KRS 6.190 and 6.213, the daily compensation provided by KRS 6.190 and the interim expense allowance provided by KRS 6.213 shall not be adjusted on January 1, 2005, or January 1, 2006.

The House Committee Amendment No. 2 to the House Committee Substitute to **SB 100** is as follows:

SB 100, On page 129, after line 16, by inserting the following:

"The Transportation Cabinet shall establish KY 1336 as an access point to the relocated KY 11 in the Community of Tilton in Fleming County.".

The House Committee Amendment No. 3 Title to **SB 100** is as follows:

SB 100, Amend the title to read "AN ACT relating to appropriations and revenue measures providing financing for the operations, maintenance, support, and functioning of the government of the Commonwealth of Kentucky and its various officers, cabinets, departments, boards, commissions, institutions, subdivisions, agencies, and other state-supported activities.".

The House Committee Substitute No. 2 to **SB 251** is as follows:

SB 251, AN ACT relating to juries.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 136.071 is amended to read as follows:

(1) Notwithstanding ***the***[~~any other~~] provisions of ***KRS 136.070***[~~this chapter~~], a corporation ***that***[~~whose commercial domicile is in this state and~~] holds directly or indirectly stock or securities in other corporations equal to or greater than fifty percent (50%) of its total assets may, at the option of the taxpayer, ***compute capital employed in the business using one (1) of the following options:***

(a) The corporation and its subsidiaries may file a consolidated license tax return that computes capital employed in the business under KRS 136.070 and includes the parent corporation and all subsidiary corporations in which the parent corporation owns more than fifty percent (50%) of the outstanding stock; or

(b) The corporation may file a separate license tax return and deduct from capital, determined in accordance with KRS 136.070(2)[~~be considered as one (1) corporation for purposes of determining and apportioning total "capital," or compute its "capital" under KRS 136.070(2) as follows:~~

~~(a) Determine the corporation's total capital as provided in KRS 136.070(2).~~

~~(b) Deduct from the amount determined in subsection (a) of this section~~], the book value of its investment in the stock and securities of any corporation in which it owns more than fifty percent (50%) of the outstanding stock of such corporation.

(2) For purposes of determining the ratio of stock and securities to total assets, the value shall be the value of the accounts as reflected on financial statements prepared for book purposes as of the last day of the calendar or fiscal year. The term "stock and securities" as used in this section means shares of stock in any corporation, certificates of stock or interest in any corporation, notes, bonds, debentures, and evidences of indebtedness. The term "book value" means the value as shown on financial statements prepared for book purposes as of the last day of the calendar or fiscal year.

SECTION 2. A NEW SECTION OF KRS CHAPTER 136 IS CREATED TO READ AS FOLLOWS:

(1) The tax imposed by KRS 136.070 shall not apply to tax periods ending on or after December 31, 2004.

(2) For all tax periods ending prior to December 31, 2004, returns shall be filed and reports made in accordance with the provisions of KRS 136.090 and 136.100.

(3) Any outstanding tax liability, penalty, interest, or other obligation attributable to the tax imposed by KRS 136.070

relating to tax periods prior to December 31, 2004, shall not be affected by subsection of (1) of this section.

Section 3. KRS 141.010 is amended to read as follows:

As used in this chapter, unless the context requires otherwise:

(1) "Secretary" means the secretary of revenue;

(2) "Cabinet" means the Revenue Cabinet;

(3) "Internal Revenue Code" means the Internal Revenue Code in effect on December 31, 2001, exclusive of any amendments made subsequent to that date, other than amendments that extend provisions in effect on December 31, 2001, that would otherwise terminate, and as modified by KRS 141.0101;

(4) "Dependent" means those persons defined as dependents in the Internal Revenue Code;

(5) "Fiduciary" means "fiduciary" as defined in Section 7701(a)(6) of the Internal Revenue Code;

(6) "Fiscal year" means "fiscal year" as defined in Section 7701(a)(24) of the Internal Revenue Code;

(7) "Individual" means a natural person;

(8) For taxable years beginning on or after January 1, 1974, "federal income tax" means the amount of federal income tax actually paid or accrued for the taxable year on taxable income as defined in Section 63 of the Internal Revenue Code, and taxed under the provisions of this chapter, minus any federal tax credits actually utilized by the taxpayer;

(9) "Gross income" in the case of taxpayers other than corporations means "gross income" as defined in Section 61 of the Internal Revenue Code;

(10) "Adjusted gross income" in the case of taxpayers other than corporations means gross income as defined in subsection (9) of this section minus the deductions allowed individuals by Section 62 of the Internal Revenue Code and as modified by KRS 141.0101 and adjusted as follows, except that deductions shall be limited to amounts allocable to income subject to taxation under the provisions of this chapter, and except that nothing in this chapter shall be construed to permit the same item to be deducted more than once:

- (a) Exclude income that is exempt from state taxation by the Kentucky Constitution and the Constitution and statutory laws of the United States and Kentucky;
- (b) Exclude income from supplemental annuities provided by the Railroad Retirement Act of 1937 as amended and which are subject to federal income tax by Public Law 89-699;
- (c) Include interest income derived from obligations of sister states and political subdivisions thereof;
- (d) Exclude employee pension contributions picked up as provided for in KRS 6.505, 16.545, 21.360, 61.560, 65.155, 67A.320, 67A.510, 78.610, and 161.540 upon a ruling by the Internal Revenue Service or the federal courts that these contributions shall not be included as gross income until such time as the contributions are distributed or made available to the employee;
- (e) Exclude Social Security and railroad retirement benefits subject to federal income tax;
- (f) Include, for taxable years ending before January 1, 1991, all overpayments of federal income tax refunded or credited for taxable years;
- (g) Deduct, for taxable years ending before January 1, 1991, federal income tax paid for taxable years ending before January 1, 1990;
- (h) Exclude any money received because of a settlement or judgment in a lawsuit brought against a manufacturer or distributor of "Agent Orange" for damages resulting from exposure to Agent Orange by a member or veteran of the Armed Forces of the United States or any dependent of such person who served in Vietnam;
- (i) 1. Exclude the applicable amount of total distributions from pension plans, annuity contracts, profit-sharing plans, retirement plans, or employee savings plans.
  - 2. The "applicable amount" shall be:
    - a. Twenty-five percent (25%), but not more than six thousand two hundred fifty dollars ($6,250), for taxable years beginning after December 31, 1994, and before January 1, 1996;
    - b. Fifty percent (50%), but not more than twelve thousand five hundred dollars ($12,500), for taxable years beginning after December 31, 1995, and before January 1, 1997;
    - c. Seventy-five percent (75%), but not more than eighteen thousand seven hundred fifty dollars ($18,750), for taxable years beginning after December 31, 1996, and before January 1, 1998; and
    - d. One hundred percent (100%), but not more than thirty-five thousand dollars ($35,000), for taxable years beginning after December 31, 1997.
  - 3. As used in this paragraph:
    - a. "Distributions" includes, but is not limited to, any lump-sum distribution from pension or profit-sharing plans qualifying for the income tax averaging provisions of Section 402 of the Internal Revenue Code; any distribution from an individual retirement account as defined in Section 408 of

the Internal Revenue Code; and any disability pension distribution;

b. "Annuity contract" has the same meaning as set forth in Section 1035 of the Internal Revenue Code; and

c. "Pension plans, profit-sharing plans, retirement plans, or employee savings plans" means any trust or other entity created or organized under a written retirement plan and forming part of a stock bonus, pension, or profit-sharing plan of a public or private employer for the exclusive benefit of employees or their beneficiaries and includes plans qualified or unqualified under Section 401 of the Internal Revenue Code and individual retirement accounts as defined in Section 408 of the Internal Revenue Code;

(j) 1. a. Exclude ***the portion of*** the distributive share of a shareholder's net income from an S corporation subject to the franchise tax imposed under KRS 136.505 or the capital stock tax imposed under KRS 136.300; and

b. Exclude the portion of the distributive share of a shareholder's net income from an S corporation related to a qualified subchapter S subsidiary subject to the franchise tax imposed under KRS 136.505 or the capital stock tax imposed under KRS 136.300.

2. The shareholder's basis of stock held in a S corporation where the S corporation or its qualified subchapter S subsidiary is subject to the franchise tax imposed under KRS 136.505 or the capital stock tax imposed under KRS 136.300 shall be the same as the basis for federal income tax purposes;

(k) Exclude for taxable years beginning after December 31, 1998, to the extent not already excluded from gross income, any amounts paid for health insurance, or the value of any voucher or similar instrument used to provide health insurance, which constitutes medical care coverage for the taxpayer, the taxpayer's spouse, and dependents during the taxable year. Any amounts paid by the taxpayer for health insurance that are excluded pursuant to this paragraph shall not be allowed as a deduction in computing the taxpayer's net income under subsection (11) of this section;

(l) Exclude income received for services performed as a precinct worker for election training or for working at election booths in state, county, and local primary, regular, or special elections;

(m) Exclude any amount paid during the taxable year for insurance for long-term care as defined in KRS 304.14-600;

(n) Exclude any capital gains income attributable to property taken by eminent domain;

(o) Exclude any amount received by a producer of tobacco or a tobacco quota owner from the multistate settlement with the tobacco industry, known as the Master Settlement Agreement, signed on November 22, 1998;

(p) Exclude any amount received from the secondary settlement fund, referred to as "Phase II," established by tobacco companies to compensate tobacco farmers and quota owners for anticipated financial losses caused by the national tobacco settlement; and

(q) Exclude any amount received from funds of the Commodity Credit Corporation for the Tobacco Loss Assistance Program as a result of a reduction in the quantity of tobacco quota allotted;

(11) "Net income" in the case of taxpayers other than corporations means adjusted gross income as defined in subsection (10) of this section, minus the standard deduction allowed by KRS 141.081, or, at the option of the taxpayer, minus the deduction allowed by KRS 141.0202, minus any amount paid for vouchers or similar instruments that provide health insurance coverage to employees or their families, and minus all the deductions allowed individuals by Chapter 1 of the Internal Revenue Code as modified by KRS 141.0101 except those listed below, except that deductions shall be limited to amounts allocable to income subject to taxation under the provisions of this chapter and that nothing in this chapter shall be construed to permit the same item to be deducted more than once:

(a) Any deduction allowed by the Internal Revenue Code for state taxes measured by gross or net income, except that such taxes paid to foreign countries may be deducted;

(b) Any deduction allowed by the Internal Revenue Code for amounts allowable under KRS 140.090(1)(h) in calculating the value of the distributive shares of the estate of a decedent, unless there is filed with the income return a statement that such deduction has not been claimed under KRS 140.090(1)(h);

(c) The deduction for personal exemptions allowed under Section 151 of the Internal Revenue Code and any other deductions in lieu thereof; and

(d) Any deduction for amounts paid to any club, organization, or establishment which has been determined by the courts or an agency established by the General Assembly and charged with enforcing the civil rights laws of the Commonwealth, not to afford full and equal membership and full and equal enjoyment of its goods, services, facilities, privileges, advantages, or accommodations to any person because of race, color, religion, national origin, or sex, except nothing shall be construed to deny a deduction for amounts paid to any religious or denominational club, group, or establishment or any organization operated solely for charitable or educational purposes which restricts membership to persons of the same religion or denomination in order to promote the religious principles for which it is established and maintained;

(12) "Gross income," in the case of corporations, means "gross income" as defined in Section 61 of the Internal Revenue Code and as modified by KRS 141.0101 and adjusted as follows:

(a) Exclude income that is exempt from state taxation by the Kentucky Constitution and the Constitution and statutory laws of the United States;

(b) Exclude all dividend income received after December 31, 1969;

(c) Include interest income derived from obligations of sister states and political subdivisions thereof;

(d) Exclude fifty percent (50%) of gross income derived from any disposal of coal covered by Section 631(c) of the Internal Revenue Code if the corporation does not claim any deduction for percentage depletion, or for expenditures attributable to the making and administering of the contract under which such disposition occurs or to the preservation of the economic interests retained under such contract;

(e) Include in the gross income of lessors income tax payments made by lessees to lessors, under the provisions of Section 110 of the Internal Revenue Code, and exclude such payments from the gross income of lessees;

(f) Include the amount calculated under KRS 141.205;

(g) Ignore the provisions of Section 281 of the Internal Revenue Code in computing gross income;

(h) Exclude income from "safe harbor leases" (Section 168(f)(8) of the Internal Revenue Code);

(i) Exclude any amount received by a producer of tobacco or a tobacco quota owner from the multistate settlement with the tobacco industry, known as the Master Settlement Agreement, signed on November 22, 1998;

(j) Exclude any amount received from the secondary settlement fund, referred to as "Phase II," established by tobacco companies to compensate tobacco farmers and quota owners for anticipated financial losses caused by the national tobacco settlement;~~[and]~~

(k) Exclude any amount received from funds of the Commodity Credit Corporation for the Tobacco Loss Assistance Program as a result of a reduction in the quantity of tobacco quota allotted; ***and***

(l) Exclude the distributive share income or loss received from a corporation subject to the tax imposed by Section 6 of this Act;

(13) "Net income," in the case of corporations, means "gross income" as defined in subsection (12) of this section minus the deduction allowed by KRS 141.0202, minus any amount paid for vouchers or similar instruments that provide health insurance coverage to employees or their families, and minus all the deductions from gross income allowed corporations by Chapter 1 of the Internal Revenue Code and as modified by KRS 141.0101, except the following:

(a) Any deduction for a state tax which is computed, in whole or in part, by reference to gross or net income and which is paid or accrued to any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or to any foreign country or political subdivision thereof;

(b) The deductions contained in Sections 243, 244, 245, and 247 of the Internal Revenue Code;

(c) The provisions of Section 281 of the Internal Revenue Code shall be ignored in computing net income;

(d) Any deduction directly or indirectly allocable to income which is either exempt from taxation or otherwise not taxed under the provisions of this chapter, and nothing in this chapter shall be construed to permit the same item to be deducted more than once;

(e) Exclude expenses related to "safe harbor leases" (Section 168(f)(8) of the Internal Revenue Code);~~[and]~~

(f) Any deduction for amounts paid to any club, organization, or establishment which has been determined by the courts or an agency established by the General Assembly and charged with enforcing the civil rights laws of the Commonwealth, not to afford full and equal membership and full and equal enjoyment of its goods, services, facilities, privileges, advantages, or accommodations to any person because of race, color, religion, national origin, or sex, except nothing shall be construed to deny a deduction for amounts paid to any religious or denominational club, group, or establishment or any organization operated solely for charitable or educational purposes which restricts membership to persons of the same religion or denomination in order to promote the religious principles for which it is established and maintained; ***and***

(g) Any deduction prohibited by the provisions of Section 11 of this Act;

(14) (a) "Taxable net income," in the case of corporations ***that are taxable***~~[having property or payroll only]~~ in this state, means "net income" as defined in subsection (13) of this section;

(b) "Taxable net income," in the case of corporations ***that are taxable in this state and taxable in another***~~[having property or payroll both within and without this]~~ state***,*** means "net income" as defined in subsection (13) of this section and as allocated and apportioned under KRS 141.120***. A corporation is taxable in another state if, in any state other than Kentucky, the corporation is required to file a return for or pay a net income tax, franchise tax measured by net income, franchise tax for the privilege of doing business, or corporate stock tax***;

(c)~~["Property" means either real property or tangible personal property which is either owned or leased. "Payroll" means compensation paid to one (1) or more individuals, as described in KRS 141.120(8)(b). Property and payroll are deemed to be entirely within this state if all other states are prohibited by Public Law 86-272, as it existed on~~

~~December 31, 1975, from enforcing income tax jurisdiction;~~

~~(d)~~] "Taxable net income" in the case of homeowners' associations as defined in Section 528(c) of the Internal Revenue Code, means "taxable income" as defined in Section 528(d) of the Internal Revenue Code. Notwithstanding the provisions of subsection (3) of this section, the Internal Revenue Code sections referred to in this paragraph shall be those code sections in effect for the applicable tax year; and

(d)[~~(e)~~]"Taxable net income" in the case of a corporation that meets the requirements established under Section 856 of the Internal Revenue Code to be a real estate investment trust, means "real estate investment trust taxable income" as defined in Section 857(b)(2) of the Internal Revenue Code;

(15) "Person" means "person" as defined in Section 7701(a)(1) of the Internal Revenue Code;

(16) "Taxable year" means the calendar year or fiscal year ending during such calendar year, upon the basis of which net income is computed, and in the case of a return made for a fractional part of a year under the provisions of this chapter or under regulations prescribed by the secretary, "taxable year" means the period for which ***the***[~~such~~] return is made;

(17) "Resident" means an individual domiciled within this state or an individual who is not domiciled in this state, but maintains a place of abode in this state and spends in the aggregate more than one hundred eighty-three (183) days of the taxable year in this state;

(18) "Nonresident" means any individual not a resident of this state;

(19) "Employer" means "employer" as defined in Section 3401(d) of the Internal Revenue Code;

(20) "Employee" means "employee" as defined in Section 3401(c) of the Internal Revenue Code;

(21) "Number of withholding exemptions claimed" means the number of withholding exemptions claimed in a withholding exemption certificate in effect under KRS 141.325, except that if no[~~ such~~] certificate is in effect, the number of withholding exemptions claimed shall be considered to be zero;

(22) "Wages" means "wages" as defined in Section 3401(a) of the Internal Revenue Code and includes other income subject to withholding as provided in Section 3401(f) and Section 3402(k), (o), (p), (q), and (s) of the Internal Revenue Code;

(23) "Payroll period" means "payroll period" as defined in Section 3401(b) of the Internal Revenue Code;

(24) "Corporations" means***:***

(a) "Corporations" as defined in Section 7701(a)(3) of the Internal Revenue Code;

(b) S corporations as defined in Section 1361(a) of the Internal Revenue Code;

(c) A foreign limited liability company as defined in KRS 275.015(6);

(d) A limited liability company as defined in KRS 275.015(8);

(e) A professional limited liability company as defined in KRS 275.015(19);

(f) A foreign limited partnership as defined in KRS 362.401(4);

(g) A limited partnership as defined in KRS 362.401(7);

(h) A registered limited liability partnership as defined in KRS 362.155(7);

(i) A real estate investment trust as defined in Section 856 of the Internal Revenue Code;

(j) A regulated investment company as defined in Section 851 of the Internal Revenue Code;

(k) A real estate mortgage investment conduit as defined in Section 860D of the Internal Revenue Code; and

(l) A financial asset securitization investment trust as defined in Section 860L of the Internal Revenue Code;

(25) "Doing business in this state" includes, but is not limited to:

(a) Being organized under the laws of this state;

(b) Having a commercial domicile in this state;

(c) Owning or leasing property in this state;

(d) Having one (1) or more individuals performing services in this state;

(e) Maintaining an interest in a general partnership doing business in this state;

(f) Deriving income from or attributable to sources within this state, including deriving income directly or indirectly from a trust doing business in this state; or

(g) Directing activities at Kentucky customers for the purpose of selling them goods or services.

Nothing in this subsection shall be interpreted in a manner that goes beyond the limitations imposed and protections provided by the United States Constitution and Pub. L. No. 86-272

[~~(25) "S corporations" means "S corporations" as defined in Section 1361(a) of the Internal Revenue Code. Stockholders of a corporation qualifying as an "S corporation" under this chapter may elect to treat such qualification as an initial qualification under Subchapter S of the Internal Revenue Code Sections~~].

Section 4. KRS 141.011 is amended to read as follows:

(1) Notwithstanding any other provision of this chapter, the net operating loss carryback-carryforward deduction, including casualty loss, allowed under Section 172 of the Internal Revenue Code shall apply only to such losses incurred in taxable years beginning after December 31, 1979, and no such loss shall be carried back to taxable years beginning before January 1, 1980. Any casualty loss carryforward authorized by this section as it existed before January 1, 1980, may be carried forward as an itemized deduction until it has been fully deducted.

(2) The net operating loss carryback deduction shall not be allowed for losses incurred for taxable years beginning on or after January 1, 2005.

(3) For taxable years when the tax due under Section 6 of this Act is based on the alternative minimum calculation provided in paragraph (b) of subsection (5) of Section 6 of this Act, any net operating loss carryforward deduction that is utilized for the taxable year shall be the amount of taxable net income that exceeds the taxable net income equivalent of the alternative minimum calculation. For purposes of this subsection, "taxable net income equivalent" means the taxable net income that would generate an income tax equal to the alternative minimum calculation liability computed under the provisions of paragraph (b) of subsection (5) of Section 6 of this Act.

(4) For taxable years beginning on or after January 1, 2005, the net operating loss carryforward deduction of a corporation shall be reduced by the amount of distributive share income, loss, and deduction distributed to an individual or general partnership as defined in Section 12 of this Act.

Section 5. KRS 141.0205 is amended to read as follows:

If a taxpayer is entitled to more than one (1) of the tax credits allowed against the tax imposed by KRS 141.020 or 141.040, the priority of application and use of the credits shall be determined as follows:

(1) The nonrefundable *business incentive* credits against the tax imposed by KRS 141.020 shall be taken in the following order:

(a) The *corporation income tax credit permitted by Section 13 of this Act*~~[individual credits permitted by KRS 141.020(3)]~~;

(b) The economic development credits computed under KRS 141.347, 141.400, 141.403, 141.407, and 154.12-2088;

(c) The health insurance credit permitted by KRS 141.062;

(d) The tax paid to other states credit permitted by KRS 141.070;

(e) The credit for hiring the unemployed permitted by KRS 141.065;

(f) The recycling or composting equipment credit permitted by KRS 141.390;

(g) The tax credit for cash contributions in investment funds permitted by KRS 154.20-263 in effect prior to July 15, 2002, and the credit permitted by KRS 154.20-258;

(h)~~[The low income credit permitted by KRS 141.066;~~

~~(i) The household and dependent care credit permitted by KRS 141.067;~~

~~(j)]~~ The coal incentive credit permitted under KRS 141.0405;~~[and]~~

(i)~~[(k)]~~ The research facilities credit permitted under KRS 141.395*; and*

(j) The employer GED incentive credit permitted under KRS 151B.127.

(2) After the application of the nonrefundable credits in subsection (1) of this section, the *nonrefundable personal tax*~~[refundable]~~ credits against the tax imposed by KRS 141.020 shall be taken in the following order:

(a) The individual credits permitted by KRS 141.020(3);

(b) The credit permitted by KRS 141.066; and

(c) The household and dependent care credit permitted by KRS 141.067.

(3) After the application of the nonrefundable credits provided for in subsection (2) of this section, the refundable credits against the tax imposed by KRS 141.020 shall be taken in the following order:

(a) The individual withholding tax credit permitted by KRS 141.350; and

(b) The individual estimated tax payment credit permitted by KRS 141.305.

(4)~~[(3)]~~ The nonrefundable credits against the tax imposed by KRS 141.040 shall be taken in the following order:

(a) The economic development credits computed under KRS 141.347, 141.400, 141.403, 141.407, and 154.12-2088;

(b) The health insurance credit permitted by KRS 141.062;

(c) The unemployment credit permitted by KRS 141.065;

(d) The recycling or composting equipment credit permitted by KRS 141.390;

(e) The coal conversion credit permitted by KRS 141.041;

(f) The enterprise zone credit permitted by KRS 154.45-090;

(g) The tax credit for cash contributions to investment funds permitted by KRS 154.20-263 in effect prior to July 15, 2002, and the credit permitted by KRS 154.20-258;

(h) The coal incentive credit permitted under KRS 141.0405;[~~ and~~]

(i) The research facilities credit permitted under KRS 141.395***; and***

(j) The employer GED incentive credit permitted under KRS 151B.127.

(5)[~~(4)~~] After the application of the nonrefundable credits in subsection (3) of this section, the refundable corporation estimated tax payment credit permitted by KRS 141.044 shall be allowed as a credit against the tax imposed by KRS 141.040.

Section 6. KRS 141.040 is amended to read as follows:

(1) Every corporation ***doing business in***[~~organized under the laws of~~] this state[~~, every corporation having its commercial domicile as defined in KRS 141.120(1)(b) in this state, and every foreign corporation owning or leasing property located in this state or having one (1) or more individuals receiving compensation as defined in KRS 141.120(8)(b) in this state~~], except those corporations listed in paragraphs (a) to ***(h)***[~~(i)~~] of this subsection, shall pay for each taxable year a tax to be computed by the taxpayer on taxable net income ***or the alternative minimum calculation computed under this section*** at the rates specified in[~~ subsections (2), (3), and (4) of~~] this section:

(a)[~~ S corporations;~~

~~(b)~~] Financial institutions, as defined in KRS 136.500, except bankers banks organized under KRS 287.135;

(b)[~~(c)~~]Savings and loan associations organized under the laws of this state and under the laws of the United States and making loans to members only;

(c)[~~(d)~~]Banks for cooperatives;

(d)[~~(e)~~]Production credit associations;

(e)[~~(f)~~] Insurance companies, including farmers or other mutual hail, cyclone, windstorm, or fire insurance companies, insurers, and reciprocal underwriters;

(f)[~~(g)~~] Corporations ***or other entities*** exempt under Section 501 of the Internal Revenue Code;

(g)[~~(h)~~] Religious, educational, charitable, or like corporations not organized or conducted for pecuniary profit; and

(h)[~~(i)~~] Corporations ***whose only owned or leased property located in this state is located at the premises of a printer with which it has contracted for printing, provided that:***

1. The property consists of the final printed product, or copy from which the printed product is produced; and

2. The corporation has no individuals receiving compensation in this state as provided in paragraph (b) of subsection (8) of Section 8 of this Act[~~having no individuals receiving compensation as defined in KRS 141.120(8)(b) in this state, and whose only owned or leased property located in this state is located at the premises of a printer with which it has contracted for printing, if such property consists of the final printed product, property which becomes a part of the final printed product, or copy from which the printed product is produced~~].

(2) For tax years ending before January 1, 1990, the following rates shall apply:

(a) Three percent (3%) of the first twenty-five thousand dollars ($25,000) of taxable net income;

(b) Four percent (4%) of the amount of taxable net income in excess of twenty-five thousand dollars ($25,000), but not in excess of fifty thousand dollars ($50,000);

(c) Five percent (5%) of the amount of taxable net income in excess of fifty thousand dollars ($50,000), but not in excess of one hundred thousand dollars ($100,000);

(d) Six percent (6%) of the amount of taxable net income in excess of one hundred thousand dollars ($100,000), but not in excess of two hundred fifty thousand dollars ($250,000); and

(e) Seven and twenty-five one hundredths percent (7.25%) of the amount of taxable net income in excess of two hundred fifty thousand dollars ($250,000).

(3) For tax years beginning after December 31, 1989, ***and before January 1, 2005,*** the following rates shall apply:

(a) Four percent (4%) of the first twenty-five thousand dollars ($25,000) of taxable net income;

(b) Five percent (5%) of the amount of taxable net income in excess of twenty-five thousand dollars ($25,000) but not in excess of fifty thousand dollars ($50,000);

(c) Six percent (6%) of the amount of taxable net income in excess of fifty thousand dollars ($50,000), but not in excess of one hundred thousand dollars ($100,000);

(d) Seven percent (7%) of the amount of taxable net income in excess of one hundred thousand dollars ($100,000), but not in excess of two hundred fifty thousand dollars ($250,000); and

(e) Eight and twenty-five one hundredths percent (8.25%) of the amount of taxable net income in excess of two hundred fifty thousand dollars ($250,000).

(4) For tax years beginning before January 1, 1990, and ending after December 31, 1989, the tax shall be the sum of the

amounts determined in paragraphs (a) and (b) as follows:

(a) Apply the tax rates in subsection (2) of this section to the taxable net income for the year and multiply the result by a fraction, the numerator of which is the number of days from the first day of the taxable year through December 31, 1989, and the denominator of which is the total number of days of the taxable year; and

(b) Apply the tax rates in subsection (3) of this section to the taxable net income for the year and multiply the result by a fraction, the numerator of which is the number of days from January 1, 1990, through the last day of the taxable year and the denominator of which is the total number of days of the taxable year.

(5) *For taxable years beginning on or after January 1, 2005, corporations subject to the tax imposed by this section shall pay the greater of the tax computed under paragraph (a) of this subsection, the tax computed under paragraph (b) of this subsection, or the minimum tax imposed by subsection (6) of this section. The tax computed under this subsection is as follows:*

(a) 1. Four percent (4%) of the first fifty thousand dollars ($50,000) of taxable net income;

2. Five percent (5%) of taxable net income over of fifty thousand dollars ($50,000) up to one hundred thousand dollars ($100,000); and

3. Seven and one-half percent (7.5%) of taxable net income over one hundred thousand dollars ($100,000); or

(b) An alternative minimum calculation of nine and one-half cents ($0.095) per one hundred dollars ($100) of the corporation's gross receipts. For purposes of this paragraph, gross receipts means the numerator of the sales factor under the provisions of paragraph (c) of subsection (8) of Section 8 of this Act.

(6) A minimum of two hundred fifty dollars ($250) shall be due for the taxable year from each corporation subject to the tax imposed by this section, regardless of the application of any tax credits provided under this chapter or any other provision of the Kentucky Revised Statutes for which the business entity may qualify.

(7) The alternative minimum calculation portion of the tax computation provided in subsection (5) of this section shall not apply to:

(a) Public service corporations subject to tax under KRS 136.120;

(b) Open-end registered investment companies organized under the laws of this state and registered under the Investment Company Act of 1940;

(c) Any property or facility which has been certified as a fluidized bed energy production facility as defined in KRS 211.390; and

(d) An alcohol production facility as defined in KRS 247.910.

(8) (a) As used in this subsection, "qualified exempt organization" means an entity listed in paragraphs (a) to (h) of subsection (1) of this section and shall not include any entity whose exempt status has been disallowed by the Internal Revenue Service.

(b) Notwithstanding any other provisions of this section or Section 3 of this Act, any corporation of the type listed in paragraphs (b) to (h) of subsection (24) of Section 3 of this Act that is owned in whole or in part by a qualified exempt organization shall, in calculating its taxable net income and gross receipts, exclude the proportionate share of its taxable net income, and gross receipts, attributable to the ownership interest of the qualified exempt organization.

(c) Any corporation that reduces taxable net income or gross receipts in accordance with paragraph (b) of this subsection shall disregard the ownership interest of the qualified exempt organization in determining the amount of credit available under subsection (3) of Section 13 of this Act.

(d) The Revenue Cabinet may promulgate an administrative regulation to further define "qualified exempt organization" to include an entity for which exemption is constitutionally or legally required, or to exclude any entity created primarily for tax avoidance purposes with no legitimate business purpose.

(9) (a) To the extent that a corporation identified in paragraphs (b) to (h) of subsection (24) of Section 3 of this Act is doing business in this state, any member, shareholder or partner of the corporation may elect to pay, on behalf of the corporation, his, her or its proportionate share of the tax imposed by this section against the corporation. If an election is made, the electing member, shareholder or partner shall be treated in the same manner as the corporation regarding the proportionate part of the tax paid by the member, shareholder or partner. An election made pursuant to this subsection shall not:

1. Be used by the Revenue Cabinet or the taxpayer to assert that the party making the election is doing business in Kentucky;

2. Result in an increase of the amount of credit allowable under subsection (3) of Section 13 of this Act; or

3. Apply to any corporation that is required to be included in a consolidated return under the provisions of subsections (2) to (5) and (9) to (12) of Section 10 of this Act.

(b) The Revenue Cabinet shall prescribe forms and promulgate regulations to execute and administer the

provisions of this subsection[~~Every S corporation shall pay the tax imposed under subsection (1) of this section whenever the net capital gain of such corporation exceeds twenty-five thousand dollars ($25,000), and exceeds fifty percent (50%) of its taxable income for the taxable year and its taxable income for such year exceeds twenty-five thousand dollars ($25,000). The tax imposed by this subsection shall be the lower of:~~

~~(a) The tax determined by applying the rates in this section to the capital gains, in excess of twenty-five thousand dollars ($25,000), determined under the Internal Revenue Code; or~~

~~(b) The tax determined by applying the rates in this section to the taxable income, in excess of twenty-five thousand dollars ($25,000);~~

~~In no event shall the tax levied by this subsection apply if Section 1374 of the Internal Revenue Code would exempt such capital gains from federal income tax~~].

Section 7. KRS 141.068 is amended to read as follows:

(1) As used in this section, unless the context requires otherwise:

(a) "Authority" means the Kentucky Economic Development Finance Authority as created pursuant to KRS 154.20-010;

(b) "Investor" has the same meaning as set forth in KRS 154.20-254;

(c) "Investment fund" has the same meaning as set forth in KRS 154.20-254;

(d) "Investment fund manager" has the same meaning as set forth in KRS 154.20-254; and

(e) "Tax credit" means the credits provided for in KRS 154.20-258.

(2) (a) An investor which is an individual or a corporation shall be entitled to the credit certified by the authority under KRS 154.20-258 against the[~~ income~~] tax due computed as provided by KRS 141.020 or 141.040, respectively.

(b) The amount of the certified tax credit that may be claimed in any tax year of the investor shall be determined in accordance with the provisions of KRS 154.20-258.

(3) (a) In the case of an investor that is ***a general***[~~an S corporation, partnership, limited partnership, limited liability company, or limited liability~~] partnership ***not subject to the tax imposed by Section 6 of this Act***, the amount of the tax credit certified by the authority under KRS 154.20-258 shall be apportioned among the[~~ shareholders,~~] partners[~~, or members thereof, as applicable,~~] at the same ratio as the[~~ shareholders',~~] partners'[~~, or members'~~] distributive shares of income are determined for the tax year during which the amount of the credit is certified by the authority.

(b) The amount of the tax credit apportioned to each[~~ shareholder,~~] partner[~~, or member~~] that may be claimed in any tax year of the[~~ shareholder,~~] partner[~~, or member~~] shall be determined in accordance with the provisions of KRS 154.20-258.

(4) (a) In the case of an investor that is a trust ***not subject to the tax imposed by Section 6 of this Act***, the amount of the tax credit certified by the authority under KRS 154.20-258 shall be apportioned to the trust and the beneficiaries on the basis of the income of the trust allocable to each for the tax year during which the tax credit is certified by the authority.

(b) The amount of tax credit apportioned to each trust or beneficiary that may be claimed in any tax year of the trust or beneficiary shall be determined in accordance with the provisions of KRS 154.20-258.

(5) The Revenue Cabinet shall promulgate administrative regulations under KRS Chapter 13A adopting forms and procedures for the reporting and administration of credits authorized by KRS 154.20-258.

Section 8. KRS 141.120 is amended to read as follows:

(1) As used in this section, unless the context requires otherwise:

(a) "Business income" means income arising from transactions and activity in the regular course of a trade or business of the corporation and includes income from tangible and intangible property if the acquisition, management, or disposition of the property constitutes integral parts of the corporation's regular trade or business operations;

(b) "Commercial domicile" means the principal place from which the trade or business of the corporation is managed;

(c) "Compensation" means wages, salaries, commissions, and any other form of remuneration paid or payable to employees for personal services;

(d) "Financial organization" means any bank, trust company, savings bank, industrial bank, land bank, safe deposit company, private banker, savings and loan association, credit union, cooperative bank, investment company, or any type of insurance company;

(e) "Nonbusiness income" means all income other than business income;

(f) "Public service company" means any business entity subject to taxation under KRS 136.120;

(g) "Sales" means all gross receipts of the corporation not allocated under subsections (3) through (7) of this section;

(h) "State" means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, and any foreign country or political subdivision thereof.

(2) Any corporation which is required by KRS 141.010(14)(b) to allocate and apportion its net income shall allocate and apportion its net income as provided in this section.

(3) Rents and royalties from real, intangible or tangible personal property, capital gains and losses, interest, or patent or copyright royalties, to the extent that they constitute nonbusiness income, shall be allocated as provided in subsections (4) through (7) of this section.

(4) (a) Net rents and royalties from real property located in this state are allocable to this state.

(b) Net rents and royalties from tangible personal property are allocable to this state if and to the extent that the property is utilized in this state; or in their entirety if the corporation's commercial domicile is in this state and the corporation is not organized under the laws of or taxable in the state in which the property is utilized.

(c) The extent of utilization of tangible personal property in a state is determined by multiplying the rents and royalties by a fraction, the numerator of which is the number of days of physical location of the property in the state during the rental or royalty period in the taxable year and the denominator of which is the number of days of physical location of the property everywhere during all rental or royalty periods in the taxable year. If the physical location of the property during the rental or royalty period is unknown or unascertainable by the corporation, the tangible personalty is utilized in the state in which the property was located at the time the rental or royalty payer obtained possession.

(d) Net rents and royalties from intangible personal property located in this state are allocable to this state. For purposes of this section, royalties from property leased in Kentucky shall be considered as royalties from intangible personal property.

(5) (a) Capital gains and losses from sales or other dispositions of real property located in this state are allocable to this state.

(b) Capital gains and losses from sales or other dispositions of tangible personal property are allocable to this state if the property had a situs in this state at the time of the sale, or the corporation's commercial domicile is in this state and the corporation is not taxable in the state in which the property had a situs.

(c) Capital gains and losses from sales or other dispositions of intangible personal property are allocable to this state if the corporation's commercial domicile is in this state.

(6) Interest is allocable to this state if the corporation's commercial domicile is in this state.

(7) (a) Patent and copyright royalties are allocable to this state if and to the extent that the patent or copyright is utilized by the payer in this state; or if and to the extent that the patent or copyright is utilized by the payer in a state in which the corporation is not taxable and the corporation's commercial domicile is in this state.

(b) A patent is utilized in a state to the extent that it is employed in production, fabrication, manufacturing, or other processing in the state or to the extent that a patented product is produced in the state. If the basis of receipts from patent royalties does not permit allocation to states or if the accounting procedures do not reflect states of utilization, the patent is utilized in the state in which the corporation's commercial domicile is located.

(c) A copyright is utilized in a state to the extent that printing or other publication originates in the state. If the basis of receipts from copyright royalties does not permit allocation to states or if the accounting procedures do not reflect states of utilization, the copyright is utilized in the state in which the corporation's commercial domicile is located.

(8) Except as provided[~~ for~~] in subsection (9) of this section, all business income shall be apportioned to this state by multiplying the income by a fraction, the numerator of which is the property factor***, representing twenty-five percent (25%) of the fraction,*** plus the payroll factor***, representing twenty-five percent (25%) of the fraction,*** plus the sales factor, ***representing fifty percent (50%) of the fraction,*** and the denominator of which is ***four (4), reduced by the number of factors, if any, having no denominator***[~~three (3); provided, however, that effective with taxable years beginning after July 31, 1985, in lieu of the equally weighted three (3) factor apportionment fraction based on property, payroll, and sales, an apportionment fraction composed of a sales factor representing fifty percent (50%) of the fraction, a property factor representing twenty-five percent (25%) of the fraction, and a payroll factor representing twenty five percent (25%) of the fraction shall be used~~].

(a) The property factor is a fraction, the numerator of which is the average value of the corporation's real and tangible personal property owned or rented and used in this state during the tax period and the denominator of which is the average value of all the corporation's real and tangible personal property owned or rented and used during the tax period; provided, however, that property which has been certified as a pollution control facility as defined in KRS 224.01-300 shall be excluded from the property factor.

1. Property owned is valued at its original cost. If the original cost of any property is not determinable or is nominal or zero (0) the property shall be valued by the cabinet pursuant to administrative regulations promulgated by the cabinet. Property rented is valued at eight (8) times the net annual rental rate. Net annual rental rate is the annual rental rate paid by the corporation less any annual rental rate received by the corporation from subrentals, provided that the rental and subrentals are reasonable. If the cabinet determines that the annual rental or subrental rate is unreasonable, or if a nominal or zero (0) rate is

charged, the cabinet may determine and apply the rental rate as will reasonably reflect the value of the property rented by the corporation.

2. The average value of property shall be determined by averaging the values at the beginning and ending of the tax period but the cabinet may require the averaging of monthly values during the tax period if reasonably required to reflect properly the average value of the property.

(b) The payroll factor is a fraction, the numerator of which is the total amount paid or payable in this state during the tax period by the corporation for compensation, and the denominator of which is the total compensation paid or payable by the corporation everywhere during the tax period. Compensation is paid or payable in this state if:

1. The individual's service is performed entirely within the state;

2. The individual's service is performed both within and without the state, but the service performed without the state is incidental to the individual's service within the state; or

3. Some of the service is performed in the state and the base of operations or, if there is no base of operations, the place from which the service is directed or controlled is in the state, or the base of operations or the place from which the service is directed or controlled is not in any state in which some part of the service is performed, but the individual's residence is in this state.

(c) 1. The sales factor is a fraction, the numerator of which is the total sales of the corporation in this state during the tax period, and the denominator of which is the total sales of the corporation everywhere during the tax period.

2. Sales of tangible personal property are in this state if:

a. The property is delivered or shipped to a purchaser, other than the United States government, or to the designee of the purchaser within this state regardless of the f.o.b. point or other conditions of the sale; or

b. The property is shipped from an office, store, warehouse, factory, or other place of storage in this state and the purchaser is the United States government.

3. Sales, other than sales of tangible personal property, are in this state if the income-producing activity is performed in this state; or the income-producing activity is performed both in and outside this state and a greater proportion of the income-producing activity is performed in this state than in any other state, based on costs of performance.

(9) (a) If the allocation and apportionment provisions of this section do not fairly represent the extent of the corporation's business activity in this state, the corporation may petition for or the cabinet may require, in respect to all or any part of the corporation's business activity, if reasonable:

1. Separate accounting;

2. The exclusion of any one (1) or more of the factors;

3. The inclusion of one (1) or more additional factors which will fairly represent the corporation's business activity in this state; or

4. The employment of any other method to effectuate an equitable allocation and apportionment of income.

(b) A corporation may elect the allocation and apportionment methods for the corporation's business income provided for in subparagraphs 1. and 2. of this paragraph. The election, if made, shall be irrevocable for a period of five years.

1. All business income derived directly or indirectly from the sale of management, distribution, or administration services to or on behalf of regulated investment companies, as defined under the Internal Revenue Code of 1986, as amended, including trustees, and sponsors or participants of employee benefit plans which have accounts in a regulated investment company, shall be apportioned to this state only to the extent that shareholders of the investment company are domiciled in this state as follows:

a. Total business income shall be multiplied by a fraction, the numerator of which shall be Kentucky receipts from the services for the tax period and the denominator of which shall be the total receipts everywhere from the services for the tax period.

b. For purposes of subdivision a. of this subparagraph, Kentucky receipts shall be determined by multiplying total receipts for the tax period from each separate investment company for which the services are performed by a fraction. The numerator of the fraction shall be the average of the number of shares owned by the investment company's shareholders domiciled in this state at the beginning of and at the end of the investment company's taxable year, and the denominator of the fraction shall be the average of the number of the shares owned by the investment company shareholders everywhere at the beginning of and at the end of the investment company's taxable year.

c. Nonbusiness income shall be allocated to this state as provided in subsections (4) through (7) of this section.

2. All business income derived directly or indirectly from the sale of securities brokerage services by a business which operates within the boundaries of any area of the Commonwealth, which on June 30, 1992, was designated as a Kentucky Enterprise Zone, as defined in KRS 154.655(2), shall be apportioned to this state only to the extent that customers of the securities brokerage firm are domiciled in this state. The portion of business income apportioned to Kentucky shall be determined by multiplying the total business income from the sale of these services by a fraction determined in the following manner:

   a. The numerator of the fraction shall be the brokerage commissions and total margin interest paid in respect of brokerage accounts owned by customers domiciled in Kentucky for the brokerage firm's taxable year; and

   b. The denominator of the fraction shall be the brokerage commissions and total margin interest paid in respect of brokerage accounts owned by all of the brokerage firm's customers for that year.

   c. Nonbusiness income shall be allocated to this state as provided in subsections (4) through (7) of this section.

(10) Public service companies and financial organizations required by KRS 141.010(14)(b) to allocate and apportion net income shall allocate and apportion such income as follows:

(a) Nonbusiness income shall be allocated to this state as provided in subsections (4) through (7) of this section.

(b) Business income shall be apportioned to this state by multiplying the business income by a fraction, the numerator of which is the property factor, ***representing twenty-five percent (25%) of the fraction,*** plus the payroll factor, ***representing twenty-five percent (25%) of the fraction,*** plus the sales factor, ***representing fifty percent (50%) of the fraction,*** and the denominator of which is ***four (4), reduced by the number of factors, if any, having no denominator***[~~three (3); provided, however, that effective with taxable years beginning after July 31, 1985, in lieu of the equally weighted three (3) factor apportionment fraction based on property, payroll, and sales, an apportionment fraction composed of a sales factor representing fifty percent (50%) of the fraction, a property factor representing twenty-five percent (25%) of the fraction, and a payroll factor representing twenty-five percent (25%) of the fraction shall be used~~]. The payroll factor shall be determined as provided in subsection (8)(b) of this section. The property factor and sales factor shall be determined as provided by administrative regulations promulgated by the cabinet.

(c) An affiliated group electing to file a consolidated return under KRS 141.200***(4)***[~~(3)~~] ***or required to file a consolidated return under subsection (11) of Section 10 of this Act*** that includes a public service company, ***telephone or telegraph company principally engaged in the provision of communications service as defined in KRS 139.195,*** or financial organization shall determine the amount of payroll to be included in the apportionment factor as provided in subsection (8)(b) of this section. The amount of property and sales of the public service company or financial organization to be included in the apportionment factors of the affiliated group shall be determined in accordance with administrative regulations promulgated by the cabinet under paragraph (b) of this subsection.

Section 9. KRS 141.130 is amended to read as follows:

If any ***general***[~~ corporation or~~] partnership dissolves or withdraws from this state during any taxable year, or if any corporation in any manner surrenders or loses its charter during any taxable year, the dissolution, withdrawal or loss or surrender of charter shall not defeat the filing of returns and the assessment and collection of income taxes for the period of that taxable year during which the corporation or ***general*** partnership had an income in this state.

Section 10. KRS 141.200 is amended to read as follows:

(1) ***Subsections (2) to (7) of this section shall apply for taxable periods ending before January 1, 2005, and election periods beginning prior to January 1, 2005.***

(2) As used in ***subsections (2) to (7) of*** this section, unless the context requires otherwise:

(a) "Affiliated group" means affiliated group as defined in Section 1504(a) of the Internal Revenue Code and related regulations;

(b) "Consolidated return" means a Kentucky corporation income tax return filed by members of an affiliated group in accordance with this section. The determinations and computations required by this chapter shall be made in accordance with the provisions of Section 1502 of the Internal Revenue Code and related regulations, except as required by differences between this chapter and the Internal Revenue Code. Corporations exempt from taxation under KRS 141.040 shall not be included in the return;

(c) "Separate return" means a Kentucky corporation income tax return in which only the transactions and activities of a single corporation are considered in making all determinations and computations necessary to calculate taxable net income, tax due, and credits allowed in accordance with the provisions of this chapter;

(d) "Corporation" means "corporation" as defined in Section 7701(a)(3) of the Internal Revenue Code; and

(e) "Election period" means the ninety-six (96) month period provided for in paragraph (d) of subsection (4) of

this section.

(3)[~~(2)~~] Every corporation doing business in this state, except those exempt from taxation under KRS 141.040, shall, for each taxable year, file a separate return unless the corporation was, for any part of the taxable year, a member of an affiliated group electing to file a consolidated return in accordance with subsection *(4)*[~~(3)~~] of this section.

(4)[~~(3)~~] (a) An affiliated group, whether or not filing a federal consolidated return, may elect to file a consolidated return which includes all members of the affiliated group.

(b) An affiliated group electing to file a consolidated return under paragraph (a) of this subsection shall be treated for all purposes as a single corporation under the provisions of this chapter. All transactions between corporations included in the consolidated return shall be eliminated in computing net income in accordance with KRS 141.010(13), and in determining the property, payroll, and sales factors in accordance with KRS 141.120.

(c) Any election made in accordance with paragraph (a) of this subsection shall be made on a form prescribed by the cabinet and shall be submitted to the cabinet on or before the due date of the return including extensions for the first taxable year for which the election is made.

(d) *Notwithstanding the provisions of subsections (9) to (15) of this section,* any election to file a consolidated return pursuant to paragraph (a) of this subsection shall be binding on both the cabinet and the affiliated group for a period beginning with the first month of the first taxable year for which the election is made and ending with the conclusion of the taxable year in which the ninety-sixth consecutive calendar month expires.

(e) For each taxable year for which an affiliated group has made an election in accordance with paragraph (a) of this subsection, the consolidated return shall include all corporations which are members of the affiliated group.

(5)[~~(4)~~] Each corporation included as part of an affiliated group filing a consolidated return shall be jointly and severally liable for the income tax liability computed on the consolidated return, except that any corporation which was not a member of the affiliated group for the entire taxable year shall be jointly and severally liable only for that portion of the Kentucky consolidated income tax liability attributable to that portion of the year that the corporation was a member of the affiliated group.

(6)[~~(5)~~] Every corporation return or report required by this chapter shall be executed by one (1) of the following officers of the corporation: the president, vice president, secretary, treasurer, assistant secretary, assistant treasurer, or chief accounting officer. The Revenue Cabinet may require a further or supplemental report of further information and data necessary for computation of the tax.

(7)[~~(6)~~] In the case of a corporation doing business in this state that carries on transactions with stockholders or with other corporations related by stock ownership, by interlocking directorates, or by some other method, the cabinet shall require information necessary to make possible accurate assessment of the income derived by the corporation from sources within this state. To make possible such assessment, the cabinet may require the corporation to file supplementary returns showing information respecting the business of any or all individuals and corporations related by one (1) or more of these methods to the corporation. The cabinet may require the return to show in detail the record of transactions between the corporation and any or all other related corporations or individuals.

(8) The provisions of subsections (9) to (14) of this section shall apply for taxable years beginning on or after January 1, 2005.

(9) As used in subsections (9) to (14) of this section:

(a) "Affiliated group" means:

1. One (1) or more chains of includible corporations connected through stock ownership, membership interest, or partnership interest with a common parent corporation if:

a. The common parent owns directly an ownership interest meeting the requirements of subparagraph 2. of this paragraph in at least one (1) other includible corporation; and

b. An ownership interest meeting the requirements of subparagraph 2. of this paragraph in each of the includible corporations, excluding the common parent, is owned directly by one (1) or more of the other corporations.

2. The ownership interest of any corporation meets the requirements of this paragraph if the ownership interest encompasses at least eighty percent (80%) of the voting power of all classes of ownership interests and has a value equal to at least eighty percent (80%) of the total value of all ownership interests;

(b) "Common parent corporation" means the member of an affiliated group that meets the ownership requirement of subparagraph 1. of paragraph (a) of this subsection;

(c) "Foreign corporation" means a corporation that is organized under the laws of a country other than the United States and is related to a member of an affiliated group through stock ownership;

(d) "Includible corporation" means any corporation that is doing business in this state except:

1. Corporations exempt from corporation income tax under paragraphs (a) to (h) of subsection (1) of Section 6 of this Act;

2. Foreign corporations;

3. Corporations with respect to which an election under Section 936 of the Internal Revenue Code is in effect for the taxable year;

4. Real estate investment trusts as defined in Section 856 of the Internal Revenue Code;

5. Regulated investment companies as defined in Section 851 of the Internal Revenue Code;

6. A domestic international sales company as defined in Section 992(a)(1) of the Internal Revenue Code;

7. An S corporation as defined in Section 1361(a) of the Internal Revenue Code;

8. Any corporation that realizes a net operating loss whose Kentucky property, payroll, and sales factors pursuant to subsection (8) of Section 8 of this Act are de minimis; and

9. Any corporation for which the sum of the property, payroll and sales factors described in subsection (8) of Section 8 of this Act is zero;

(e) "Ownership interest" means stock, a membership interest in a limited liability company, or a partnership interest in a limited partnership or limited liability partnership;

(f) "Consolidated return" means a Kentucky corporation income tax return filed by members of an affiliated group,in accordance with this section. The determinations and computations required by this chapter shall be made in accordance with the provisions of the Internal Revenue Code and related regulations, except as required by differences between this chapter and the Internal Revenue Code; and

(g) "Separate return" means a Kentucky corporation income tax return in which only the transactions and activities of a single corporation are considered in making all determinations and computations necessary to calculate taxable net income, tax due, and credits allowed in accordance with the provisions of this chapter.

(10) Every corporation doing business in this state except those exempt from taxation under paragraphs (a) to (h) of subsection (1) of Section 6 of this Act shall, for each taxable year, file a separate return unless the corporation was, for any part of the taxable year:

(a) An includible corporation in an affiliated group; or

(b) A common parent corporation doing business in this state.

(11) (a) An affiliated group, whether or not filing a federal consolidated return, shall file a consolidated return which includes all includible corporations.

(b) An affiliated group required to file a consolidated return under this subsection shall be treated for all purposes as a single corporation under the provisions of this chapter. All transactions between corporations included in the consolidated return shall be eliminated in computing net income in accordance with subsection (13) of Section 3 of this Act, and in determining the property, payroll, and sales factors in accordance with Section 8 of this Act. Includible corporations that have incurred a net operating loss shall not deduct an amount that exceeds, in the aggregate, fifty percent (50%) of the income realized by the remaining includible corporations that did not realize a net operating loss. The Revenue Cabinet shall promulgate administrative regulations to establish the manner and extent to which net operating losses attributable to tax periods ending prior to January 1, 2005, may offset income of affiliated groups.

(12) Each includible corporation included as part of an affiliated group filing a consolidated return shall be jointly and severally liable for the income tax liability computed on the consolidated return, except that any includible corporation which was not a member of the affiliated group for the entire taxable year shall be jointly and severally liable only for that portion of the Kentucky consolidated income tax liability attributable to that portion of the year that the corporation was a member of the affiliated group.

(13) Every corporation return or report required by this chapter shall be executed by one (1) of the following officers or management of the corporation: the president, vice president, secretary, treasurer, assistant secretary, assistant treasurer, chief accounting officer, manager, member, or partner. The Revenue Cabinet may require a further or supplemental report of further information and data necessary for computation of the tax.

(14) In the case of a corporation doing business in this state that carries on transactions with stockholders, members or partners, or with other corporations related by ownership, by interlocking directorates, or by some other method, the cabinet shall require that information necessary to make possible an accurate assessment of the income derived by the corporation from sources within this state be provided. To make possible this assessment, the cabinet may require the corporation to file supplementary returns showing information respecting the business of any or all individuals and corporations related by one (1) or more of these methods to the corporation. The cabinet may require the return to show in detail the record of transactions between the corporation and any or all other related corporations or individuals.

(15)[~~(7)~~] For any taxable year ending on or after December 31, 1995, except as provided under[~~ subsection (3) of~~] this section *and Section 11 of this Act*, nothing in this chapter shall be construed as allowing or requiring the filing of:

(a) A combined return under the unitary business concept; or

(b) A consolidated return.

(16)[~~(8)~~] No assessment of additional tax due for any taxable year ending on or before December 31, 1995, made after December 22, 1994, and based on requiring a change from any initially filed separate return or returns to a combined return under the unitary business concept or to a consolidated return, shall be effective or recognized for any purpose.

(17)[~~(9)~~] No claim for refund or credit of a tax overpayment for any taxable year ending on or before December, 31, 1995, made by an amended return or any other method after December 22, 1994, and based on a change from any initially filed separate return or returns to a combined return under the unitary business concept or to a consolidated return, shall be effective or recognized for any purpose.

(18)[~~(10)~~] No corporation or group of corporations shall be allowed to file a combined return under the unitary business concept or a consolidated return for any taxable year ending before December 31, 1995, unless on or before December 22, 1994, the corporation or group of corporations filed an initial or amended return under the unitary business concept or consolidated return for a taxable year ending before December 22, 1994.

(19)[~~(11)~~] This section shall not be construed to limit or otherwise impair the cabinet's authority under KRS 141.205.

Section 11. KRS 141.205 is amended to read as follows:

(1) *As used in this section:*

(a) "Intangible property" means patents, patent applications, trade names, trademarks, service marks, copyrights, trade secrets, and similar types of intangible assets;

(b) "Intangible expenses and costs" includes:

1. Expenses, losses, and costs for, related to, or in connection directly or indirectly with the direct or indirect acquisition, use, maintenance, management, ownership, sale, exchange, or any other disposition of intangible property to the extent the amounts are allowed as deductions or costs in determining taxable income before the net operating loss deduction and special deductions for the taxable year provided under Chapter 1 of the Internal Revenue Code;

2. Losses related to, or incurred in connection directly or indirectly with, factoring transactions or discounting transactions;

3. Royalty, patent, technical, and copyright fees;

4. Licensing fees; and

5. Other similar expenses and costs;

(c) "Interest expenses and costs" means amounts directly or indirectly allowed as deductions under Section 163 of the Internal Revenue Code for purposes of determining taxable income under the Internal Revenue Code to the extent the expenses and costs are directly or indirectly for, related to, or in connection with the direct or indirect acquisition, maintenance, management, ownership, sale, exchange, or disposition of intangible property;

(d) "Related member" means a person that, with respect to the taxpayer during all or any portion of the taxable year, is:

1. A related entity as defined in paragraph (e) of this subsection;

2. A component member as defined in Section 1563(b) of the Internal Revenue Code;

3. A person to or from whom there is attribution of stock ownership in accordance with Section 1563(e) of the Internal Revenue Code; or

4. A person that, notwithstanding its form of organization, bears the same relationship to the taxpayer as a person described in subparagraphs 1. to 3. of this paragraph; and

(e) "Related entity" means:

1. A stockholder who is an individual, or a member of the stockholder's family as set forth in Section 318 of the Internal Revenue Code if the stockholder and the members of the stockholder's family own, directly, indirectly, beneficially or constructively, in the aggregate, at least fifty percent (50%) of the value of the taxpayer's outstanding stock;

2. A stockholder or a stockholder's partnership, limited liability company, estate, trust, or corporation if the stockholder and the stockholder's partnerships, limited liability companies, estates, trusts, and corporations own directly, indirectly, beneficially, or constructively, in the aggregate, at least fifty percent (50%) of the value of the taxpayer's outstanding stock; or

3. A corporation, or a party related to the corporation in a manner that would require an attribution of stock from the corporation to the party or from the party to the corporation under the attribution rules of the Internal Revenue Code if the taxpayer owns, directly, indirectly, beneficially, or constructively, at least fifty percent (50%) of the value of the corporation's outstanding stock. The attribution rules of the Internal Revenue Code shall apply for purposes of determining whether the ownership requirements of this definition have been met.

(2) A corporation subject to the tax imposed by Section 6 of this Act shall not be permitted to deduct interest expenses and costs, or intangible expenses and costs directly or indirectly paid, accrued, or incurred to, or in connection directly or

indirectly with one (1) or more direct or indirect transactions with, one (1) or more related members as defined in subsection (1) of this section.

(3) The disallowance of deductions provided by subsection (2) of this section shall not apply if:

(a) The taxpayer and the cabinet agree in writing to the application or use of an alternative method of apportionment under subsection (9) of Section 8 of this Act; or

(b) The deductions have a legitimate business purpose apart from reducing the corporation's Kentucky taxable income and are specifically allowed by administrative regulations promulgated by the cabinet.

(4) The cabinet may require either a consolidated return or a combined return from any or all corporations conducting inter-corporate transactions whenever the cabinet finds that such inter-corporate transactions reduce taxable net income, as defined in KRS 141.010(14), of the corporation(s) below the amount which would result if the transactions were at arm's length.

(5)[~~(2)~~] The cabinet is authorized and empowered to assess the tax against any of the corporations whose income is included in the consolidated or combined return in such manner as it may determine necessary to prevent the avoidance of income tax.

(6)[~~(3)~~] In the case of corporations not required to file a consolidated or combined return under subsection *(4)*[~~(1)~~] of this section *or subsection (11) of Section 10 of this Act* that carried on transactions with stockholders or affiliated corporations directly or indirectly, the cabinet shall adjust the net income of such corporations to an amount that would result if such transactions were carried on at arm's length.

Section 12. KRS 141.206 is amended to read as follows:

(1) *As used in this section, unless the context requires otherwise:*

(a) "General partnership" means a partnership not subject to the tax imposed by Section 6 of this Act;

(b) "Property" means real property or tangible personal property which is owned or leased; and

(c) "Payroll" means compensation paid to one (1) or more individuals as described in paragraph (b) of subsection (8) of Section 8 of this Act.

(2) Every partnership[~~ or S corporation~~] *doing*[~~owning property or engaging in~~] business in *this state*[~~Kentucky,~~] shall, on or before the fifteenth day of the fourth month following the close of its annual accounting period, file a copy of its federal partnership return [~~or S corporation return~~] with the form prescribed and furnished by the cabinet.

(3)[~~(2)~~] *General* partnerships[~~ and S corporations~~] shall determine *net*[~~taxable~~] income in the same manner as in the case of an individual under KRS 141.010(9) to (11) and the adjustment required under *Section*[~~Sections~~] 703(a)[~~ and 1363(b)~~] of the Internal Revenue Code. Computation of *net*[~~taxable~~] income under this section and the computation of the partners'[~~ or shareholders~~] distributive share shall be computed as nearly as practicable identical with those required for federal income tax purposes except to the extent required by differences between this chapter and the federal income tax law and regulations.

(4)[~~(3)~~] Individuals*, estates, trusts,* or corporations *doing*[~~carrying on a~~] business *in this state* as a *partner in a general* partnership[~~ or S corporation~~] shall be liable for income tax only in their individual*, fiduciary,* or corporate capacities, and no income tax shall be assessed upon the income of any *general* partnership[~~ or S corporation except as prescribed in KRS 141.040(5)~~]. *General partnerships may be required to withhold Kentucky income tax on the distributive share of partners under administrative regulations promulgated by the cabinet.*

(5) In determining the tax under this chapter, a resident individual, estate, or trust that is a partner in a general partnership shall take into account the partner's total distributive share of the partnership's items of income, loss, deduction, and credit.

(6) In determining the tax under this chapter, a nonresident individual, estate, or trust that is a partner in a general partnership required to file a return under subsection (2) of this section shall take into account:

(a) 1. If the partnership is doing business only in this state, the partner's total distributive share of the partnership's items of income, loss, and deduction. A general partnership is doing business only in the state if property and payroll are entirely within this state. Property and payroll are deemed to be entirely within this state if all other states are prohibited by Pub. L. 86-272, as it existed on December 31, 1975, from enforcing income tax jurisdiction; or

2. If the partnership is doing business both within and without this state, the partner's distributive share of the general partnership's items of income, loss, and deduction multiplied by the apportionment fraction of the partnership as prescribed in subsection (9) of this section; and

(b) The partner's total distributive share of credits of the partnership.

(7) A corporation that is subject to tax under Section 6 of this Act and is a partner in a general partnership shall take into account:

(a) The corporation's distributive share of the partnership's items of income, loss, and deduction and, when applicable, multiplied by the apportionment fraction of the partnership as prescribed in subsection (9) of this

section; and

(b) Credits from the partnership.

(8) (a) If a general partnership is doing business both within and without this state, the partnership shall compute and furnish to each partner an apportionment fraction determined in accordance with subsection (9) of this section.

(b) For purposes of determining if a general partnership is doing business both within and without this state and for determining an apportionment fraction under paragraph (a) of this subsection, the general partnership that is a partner in another general partnership shall be deemed to own its pro rata share of property owned by the other general partnership, to be the lessor of its pro rata share of property leased by the other general partnership, to be the payor of its pro rata share of payroll of the other general partnership, and to have made its pro rata share of the sales of the other general partnership. Property, payroll, and sales attributed by one (1) general partnership to a second general partnership may be further attributed by the second general partnership to a third general partnership if the third general partnership is a partner in the second general partnership, and may be further attributed to any subsequent general partnership[~~(a) Resident and nonresident individuals who are partners or S corporation shareholders must report and pay tax on the distributive share of net income, gain, loss, deduction, or credit, as determined in subsection (2) of this section, except as provided in subsections (4) and (5) of this section. Partnerships and S corporations may be required to withhold Kentucky income tax on the distributive share under administrative regulations issued by the cabinet.~~

~~(b) Corporations which are partners must include their distributive share of net income, gain, loss, deduction or credit, as determined under subsection (2) of this section, except as provided in subsections (4) and (5) of this section.~~

~~(4) Resident and nonresident individuals and corporations which are partners in a partnership or shareholders in an S corporation carrying on business only in Kentucky are taxable on all items of income gain, loss, deduction or credit determined under subsection (2) of this section and reported as their distributive share from the partnership or S corporation.~~

~~(5) Nonresident individuals and corporations which are partners in a partnership or shareholders in an S corporation which does business within and without Kentucky are taxable on their proportionate share of the distributive income passed through the partnership or S corporation attributable to business done in Kentucky.~~

~~(a) Business done in Kentucky is determined by the ratio of gross receipts from sales to purchasers or customers in Kentucky or services performed in Kentucky to the total gross receipts from sales or service everywhere.~~

~~(6) Resident partners, S corporation shareholders and corporations which are partners in a multistate partnership or shareholders in a multistate S corporation are taxable on one hundred percent (100%) of the distributive share of income, gains, losses, deductions or credits~~].

(9) A general partnership doing business within and without the state shall apportion its net income by a fraction, the numerator of which is the property factor, representing twenty-five percent (25%) of the fraction, plus the payroll factor, representing twenty-five percent (25%) of the fraction, plus the sales factor, representing fifty percent (50%) of the fraction, with each factor determined in the same manner as provided in subsection (8) of Section 8 of this Act, and the denominator of which is four (4), reduced by the number of factors, if any, having no denominator.

(10)[~~(7)~~] Resident individuals*, estates, or trusts that*[~~who~~] are partners in a partnership*, members of a limited liability company electing partnership tax treatment for federal income tax purposes, owners of single member limited liability companies,* or shareholders in an S corporation which does not *do*[~~carry on~~] business in *this state*[~~Kentucky~~] are subject to tax under KRS 141.020 on federal net income, gain, deduction, *or* loss or credit passed through the partnership*, limited liability company,* or S corporation.

(11)[~~(8)~~] S corporation for purpose of this section means a corporation which has elected for federal tax purposes to be taxed as an S corporation. An election for federal tax purposes is a binding election for Kentucky tax purposes.

(12)[~~(9)~~] Nonresident individuals shall not be taxable on investment income distributed by a qualified investment partnership. For purposes of this subsection a "qualified investment partnership" means a partnership formed to hold only investments that produce income that would not be taxable to the nonresident individual if held or owned individually.

(13) (a) A general partnership may file a composite income tax return on behalf of electing nonresident individual partners reporting and paying income tax at the highest marginal rate provided in this chapter on the partners' pro rata or distributive shares of income of the general partnership from doing business in, or deriving income from sources within, this state.

(b) A nonresident individual partner whose only source of income within this state is from one or more general partnerships may elect to be included in a composite return filed pursuant to this section.

(c) A nonresident individual partner that has been included in a composite return may file an individual income tax return and shall receive credit for tax paid on the partner's behalf by the general partnership.

(d) A general partnership shall deliver to the department a return upon a form prescribed by the department showing the total amounts paid or credited to its electing nonresident individual partners, the amount paid in

accordance with this subsection, and any other information the department may require. A general partnership shall furnish to its nonresident partner annually, but not later than the fifteenth day of the third month after the end of its taxable year, a record of the amount of tax paid on behalf of the partner on a form prescribed by the department.

SECTION 13. A NEW SECTION OF KRS CHAPTER 141, TO BE NUMBERED KRS 141.207, IS CREATED TO READ AS FOLLOWS:

(1) (a) Every corporation identified in paragraphs (b) to (h) of subsection (24) of Section 3 of this Act that is doing business in this state shall, on or before the fifteenth day of the fourth month following the close of its annual accounting period, file a copy of its applicable federal return with the form prescribed and furnished by the cabinet.

(b) For a corporation filing a return under paragraph (a) of this subsection, the individual partner's, member's, or shareholder's distributive share shall be computed as nearly as practicable in a manner identical to that required for federal income tax purposes except to the extent required by differences between this chapter and the federal income tax law and regulations.

(2) (a) Resident individuals who are members, partners, or shareholders of a corporation required to file a return under paragraph (a) of subsection (1) of this section shall report and pay tax on the distributive share of net income, gain, loss, or deduction as determined in paragraph (b) of subsection (1) of this section.

(b) Nonresident individuals who are members, partners' or shareholders of a corporation required to file a return under paragraph (a) of subsection (1) of this section shall report and pay tax on the distributive share of net income, gain, loss, or deduction as determined in paragraph (b) of subsection (1) of this section multiplied by the apportionment fraction in subsection (8) of Section 8 of this Act.

(3) (a) Resident and nonresident individuals who are members, shareholders, or partners of a corporation required to file a return under paragraph (a) of subsection (1) of this section shall be entitled to a nonrefundable credit against the tax imposed under KRS 141.020.

(b) The credit shall be the members', shareholders', or partners' proportionate share of the tax due from the corporation as determined under Section 6 of this Act, before the application of any credits identified in subsection (4) of Section 5 of this Act and reduced by the required minimum imposed by subsection (6) of Section 6 of this Act.

(c) The credit determined under this subsection shall not operate to reduce the member's, shareholder's or partner's tax due to an amount that is less than what would have been payable were the income attributable to doing business in this state by the corporation ignored.

(4) Except to the extent required by differences between this chapter and its application and the federal income tax law and its application, the member's, partner's, or shareholder's adjusted basis in a corporation identified in paragraphs (b) to (h) of subsection (24) of Section 3 of this Act for purposes of this chapter shall be as nearly as practicable identical with those required for federal income tax purposes.

(5) For purposes of computing the basis of an ownership interest or stock in a corporation identified in paragraphs (b) to (h) of subsection (24) of Section 3 of this Act, the basis attributable to a nonindividual member, partner, or shareholder shall be adjusted for the proportionate share items of net income, gain, loss and deduction as though the items had been distributed to the member, partner, or shareholder.

Section 14. KRS 141.208 is amended to read as follows:

(1) For the purposes of this section, "limited liability company" shall mean any company subject to the provisions of KRS Chapter 275.

(2) *A limited liability company shall file a Kentucky corporate income tax return and determine its Kentucky income tax liability as provided in Section 6 of this Act regardless of the tax treatment elected for federal income tax purposes. All other income tax issues not expressly addressed by the provisions of this chapter shall be treated in the same manner as the issues are treated*~~[Any limited liability company shall be treated for Kentucky income tax purposes in the same manner as its tax treatment]~~ for federal income tax purposes.

Section 15. KRS 141.347 is amended to read as follows:

(1) As used in this section, unless the context requires otherwise:

(a) "Approved company" shall have the same meaning as set forth in KRS 154.22-010;

(b) "Economic development project" shall have the same meaning as set forth in KRS 154.22-010;

(c) "Tax credit" means the "tax credit" allowed in KRS 154.22-010 to 154.22-070*; and*

(d) "Gross receipts" means gross receipts as defined in paragraph (b) of subsection (5) of Section 6 of this Act.

(2) An approved company shall determine the~~[income]~~ tax credit as provided in this section.

(3) An approved company which is an individual sole proprietorship subject to tax under KRS 141.020 *or*~~[,]~~ a corporation subject to tax under KRS 141.040(1)~~[, or a limited liability company treated as a corporation for federal income tax~~

~~purposes~~] shall:

(a) Compute the income tax due at the applicable tax rates as provided by KRS 141.020 or ***whichever of paragraph (a) or (b) of subsection (5) of KRS*** 141.040 ***applies***[~~,~~] on net income as defined by KRS 141.010(11)***,***[~~ or~~] taxable net income as defined by KRS 141.010(14), ***or gross receipts, as the case may be,*** including income ***or gross receipts*** from an economic development project; and

(b) Compute the income tax due at the applicable tax rates as provided by KRS 141.020 or ***whichever of paragraph (a) or (b) of subsection (5) of KRS*** 141.040 ***applies***[~~,~~] on net income as defined by KRS 141.010(11)***,***[~~ or~~] taxable net income as defined by KRS 141.010(14), ***or gross receipts, as the case may be,*** excluding net income ***or gross receipts*** attributable to an economic development project.

(c) The tax credit shall be the amount by which the tax computed under paragraph (a) of this subsection exceeds the tax computed under paragraph (b) of this subsection; however, the credit shall not exceed the limits set forth in KRS 154.22-050.

(4) (a) Notwithstanding any other provisions of this chapter, an approved company which is ***a general***[~~ an S corporation,~~] partnership ***not subject to tax under Section 6 of this Act***[~~, registered limited liability partnership, limited liability company treated as a partnership for federal income tax purposes,~~] or ***a*** trust ***not subject to tax under Section 6 of this Act*** shall be subject to income tax on the net income attributable to an economic development project at the rates provided in KRS 141.020(2).

(b) The amount of the tax credit shall be the same as the amount of the tax computed in this subsection or, upon the annual election of the approved company, in lieu of the tax credit, an amount shall be applied as an estimated tax payment equal to the tax computed in this section. Any estimated tax payment made pursuant to this paragraph shall be in satisfaction of the tax liability of the[~~ shareholders,~~] partners[~~, members,~~] or beneficiaries of the ***general***[~~S corporation,~~] partnership[~~, registered limited liability partnership, limited liability company,~~] or trust, and shall be paid on behalf of the[~~ shareholders,~~] partners[~~, members,~~] or beneficiaries.

(c) The tax credit or estimated payment shall not exceed the limits set forth in KRS 154.22-050.

(d) If the tax computed in this section exceeds the credit, the excess shall be paid by the ***general***[~~S corporation,~~] partnership[~~, registered limited liability partnership, limited liability company,~~] or trust at the times provided by KRS 141.160 for filing the returns.

(e) Any estimated tax payment made by the ***general***[~~S corporation,~~] partnership[~~, registered limited liability partnership, limited liability company,~~] or trust in satisfaction of the tax liability of[~~ shareholders,~~] partners[~~, members,~~] or beneficiaries shall not be treated as taxable income subject to Kentucky income tax by the[~~ shareholder,~~] partner[~~, member,~~] or beneficiary.

(5) Notwithstanding any other provisions of this chapter, the net income subject to tax, the tax credit, and the estimated tax payment determined under subsection (4) of this section shall be excluded in determining each[~~ shareholder's,~~] partner's[~~, member's,~~] or beneficiaries' distributive share of net income or credit of ***a general***[~~an S corporation,~~] partnership[~~, registered limited liability partnership, limited liability company,~~] or trust.

(6) If the economic development project is a totally separate facility***:***[~~,~~]

(a) Net income attributable to the project for the purposes of subsections (3), (4), and (5) of this section shall be determined under the separate accounting method reflecting only the gross income, deductions, expenses, gains, and losses allowed under this chapter directly attributable to the facility and overhead expenses apportioned to the facility***; and***

(b) Gross receipts attributable to the project for the purposes of subsection (3) of this section shall be determined under the separate accounting method reflecting only the gross receipts directly attributable to the facility.

(7) If the economic development project is an expansion to a previously existing facility***:***[~~,~~]

(a) Net income attributable to the entire facility shall be determined under the separate accounting method reflecting only the gross income, deductions, expenses, gains, and losses allowed under this chapter directly attributable to the facility, and the net income attributable to the economic development project for the purposes of subsections (3), (4), and (5) of this section shall be determined by apportioning the separate accounting net income of the entire facility to the economic development project by a formula approved by the Revenue Cabinet***; and***

(b) Gross receipts attributable to the entire facility shall be determined under the separate accounting method reflecting only the gross receipts directly attributable to the facility, and gross receipts attributable to the economic development project for the purposes of subsection (3) of this section shall be determined by apportioning the separate accounting gross receipts of the entire facility to the economic development project by a formula approved by the Revenue Cabinet.

(8) If an approved company can show to the satisfaction of the Revenue Cabinet that the nature of the operations and activities of the approved company are such that it is not practical to use the separate accounting method to determine the net income ***or gross receipts*** from the facility at which the economic development project is located, the approved company shall determine net income ***or gross receipts*** from the economic development project using an alternative method approved by

the Revenue Cabinet.

(9) The Revenue Cabinet may issue administrative regulations and require the filing of forms designed by the Revenue Cabinet to reflect the intent of KRS 154.22-020 to 154.22-070 and the allowable income tax credit which an approved company may retain under KRS 154.22-020 to 154.22-070.

Section 16. KRS 141.390 is amended to read as follows:

(1) As used in this section:

(a) "Postconsumer waste" means any product generated by a business or consumer which has served its intended end use, and which has been separated from solid waste for the purposes of collection, recycling, composting, and disposition and which does not include secondary waste material or demolition waste;

(b) "Recycling equipment" means any machinery or apparatus used exclusively to process postconsumer waste material and manufacturing machinery used exclusively to produce finished products composed of substantial postconsumer waste materials; and

(c) "Composting equipment" means equipment used in a process by which biological decomposition of organic solid waste is carried out under controlled aerobic conditions, and which stabilizes the organic fraction into a material which can easily and safely be stored, handled, and used in a environmentally acceptable manner.

(2) A taxpayer *that*[~~who~~] purchases recycling or composting equipment to be used exclusively within this state for recycling or composting postconsumer waste materials shall be entitled to a credit against the income taxes imposed pursuant to this chapter, *including any tax due under the provisions of paragraph (b) of subsection (5) of Section 6 of this Act,* in an amount equal to fifty percent (50%) of the installed cost of the recycling or composting equipment. The amount of credit claimed in the tax year during which the recycling equipment is purchased shall not exceed ten percent (10%) of the amount of the total credit allowable and shall not exceed twenty-five percent (25%) of the total of each tax liability which would be otherwise due.

(3) Application for a tax credit shall be made to the Revenue Cabinet on or before *the first day of the seventh month*[~~July 1 of the year~~] following the *close of the taxable*[~~calendar~~] year in which the recycling or composting equipment is purchased. The application shall include a description of each item of recycling equipment purchased, the date of purchase and the installed cost of the recycling equipment, a statement of where the recycling equipment is to be used, and any other information as the Revenue Cabinet may require. The Revenue Cabinet shall review all applications received to determine whether expenditures for which credits are required meet the requirements of this section and shall advise the taxpayer of the amount of credit for which the taxpayer is eligible under this section. *Any corporation as defined in paragraphs (b) to (h) of subsection (24) of Section 3 of this Act may elect to claim the balance of a recycling credit approved prior to the effective date of this section against its tax liability imposed under Section 6 of this Act. The election shall be binding on the taxpayer and the Revenue Cabinet until the balance of the recycling credit is used.*

Section 17. KRS 141.400 is amended to read as follows:

(1) As used in this section, unless the context requires otherwise:

(a) "Approved company" shall have the same meaning as set forth in KRS 154.28-010;

(b) "Economic development project" shall have the same meaning as set forth in KRS 154.28-010;[~~ and~~]

(c) "Tax credit" means the "tax credit" allowed in KRS 154.28-090*; and*

(d) "Gross receipts" means gross receipts as defined in paragraph (b) of subsection (5) of Section 6 of this Act.

(2) An approved company shall determine the income tax credit as provided in this section.

(3) An approved company which is an individual sole proprietorship subject to tax under KRS 141.020 *or*[~~,~~] a corporation subject to tax under KRS 141.040(1)[~~, or a limited liability company treated as a corporation for federal income tax purposes~~] shall:

(a) Compute the income tax due at the applicable tax rates as provided by KRS 141.020 or *whichever of paragraph (a) or (b) of subsection (5) of KRS* 141.040 *applies*[~~,~~] on net income as defined by KRS 141.010(11),[~~ or~~] taxable net income as defined by KRS 141.010(14), *or gross receipts, as the case may be,* including income *or gross receipts* from an economic development project;

(b) Compute the income tax due at the applicable tax rates as provided by KRS 141.020 or *whichever of paragraph (a) or (b) of subsection (5) of KRS* 141.040 *applies*[~~,~~] on net income as defined by KRS 141.010(11)*,*[~~ or~~] taxable net income as defined by KRS 141.010(14), *or gross receipts, as the case may be,* excluding net income *or gross receipts* attributable to an economic development project; and

(c) The tax credit shall be the amount by which the tax computed under paragraph (a) of this subsection exceeds the tax computed under paragraph (b) of this subsection; however, the credit shall not exceed the limits set forth in KRS 154.28-090.

(4) (a) Notwithstanding any other provisions of this chapter, an approved company which is *a general*[~~an S corporation,~~] partnership *not subject to tax under Section 6 of this Act, or a*[~~, registered limited liability partnership,~~] trust *not subject to tax under Section 6 of this Act*[~~, or limited liability company treated as a partnership for federal income~~

~~tax purposes~~] shall be subject to income tax on the net income attributable to an economic development project at the rates provided in KRS 141.020(2).

(b) The amount of the tax credit shall be the same as the amount of the tax computed in this subsection or, upon the annual election of the approved company, in lieu of the tax credit, an amount shall be applied as an estimated tax payment equal to the tax computed in this section. Any estimated tax payment made pursuant to this paragraph shall be in satisfaction of the tax liability of the[~~ shareholders,~~] partners[~~, members,~~] or beneficiaries of the ***general***[~~S corporation,~~] partnership[~~, registered limited liability partnership, limited liability company,~~] or trust, and shall be paid on behalf of the[~~ shareholders,~~] partners[~~, members,~~] or beneficiaries.

(c) The tax credit or estimated payment shall not exceed the limits set forth in KRS 154.28-090.

(d) If the tax computed in this section exceeds the credit, the excess shall be paid by the ***general***[~~S corporation,~~] partnership[~~, registered limited liability partnership, limited liability company,~~] or trust at the times provided by KRS 141.160 for filing the returns.

(e) Any estimated tax payment made by the ***general***[~~S corporation,~~] partnership[~~, registered limited liability partnership, limited liability company,~~] or trust in satisfaction of the tax liability of[~~ shareholders,~~] partners[~~, members,~~] or beneficiaries shall not be treated as taxable income subject to Kentucky income tax by the[~~ shareholder,~~] partner[~~, member,~~] or beneficiary.

(5) Notwithstanding any other provisions of this chapter, the net income subject to tax, the tax credit, and the estimated tax payment determined under subsection (4) of this section shall be excluded in determining each[~~ shareholder's,~~] partner's[~~, member's,~~] or beneficiaries' distributive share of net income or credit of ***a***[~~an S corporation,~~] partnership[~~, registered limited liability partnership, limited liability company,~~] or trust.

(6) If the economic development project is a totally separate facility***:***[~~,~~]

(a) Net income attributable to the project for the purposes of subsections (3), (4), and (5) of this section shall be determined under the separate accounting method reflecting only the gross income, deductions, expenses, gains, and losses allowed under this chapter directly attributable to the facility and overhead expenses apportioned to the facility***; and***

(b) Gross receipts attributable to the project for purposes of subsection (3) of this section shall be determined under the separate accounting method reflecting only the gross receipts directly attributable to the facility.

(7) If the economic development project is an expansion to a previously existing facility***:***[~~,~~]

(a) Net income attributable to the entire facility shall be determined under the separate accounting method reflecting only the gross income, deductions, expenses, gains, and losses allowed under this chapter directly attributable to the facility and overhead expenses apportioned to the facility, and the net income attributable to the economic development project for the purposes of subsections (3), (4), and (5) of this section shall be determined by apportioning the separate accounting net income of the entire facility to the economic development project by a formula approved by the Revenue Cabinet***; and***

(b) Gross receipts attributable to the entire facility shall be determined under the separate accounting method reflecting only the gross receipts directly attributable to the facility, and gross receipts attributable to the economic development project for the purposes of subsection (3) of this section shall be determined by apportioning the separate accounting gross receipts of the entire facility to the economic development project by a formula approved by the Revenue Cabinet.

(8) If an approved company can show to the satisfaction of the Revenue Cabinet that the nature of the operations and activities of the approved company are such that it is not practical to use the separate accounting method to determine the net income ***or gross receipts*** from the facility at which the economic development project is located, the approved company shall determine net income ***or gross receipts*** from the economic development project using an alternative method approved by the Revenue Cabinet.

(9) The Revenue Cabinet may issue administrative regulations and require the filing of forms designed by the Revenue Cabinet to reflect the intent of KRS 154.22-020 to 154.22-070 and KRS 154.28-010 to 154.28-090 and this section and the allowable[~~ income~~] tax credit which an approved company may retain under KRS 154.22-020 to 154.22-070 and KRS 154.28-010 to 154.28-090 and this section.

Section 18. KRS 141.401 is amended to read as follows:

(1) As used in this section, unless the context requires otherwise:

(a) "Approved company" shall have the same meaning as set forth in KRS 154.23-010;

(b) "Economic development project" shall have the same meaning as set forth in KRS 154.23-010;[~~ and~~]

(c) "Tax credit" means the "tax credit" allowed under KRS 154.23-005 to 154.23-079***; and***

(d) "Gross receipts" means gross receipts as defined in paragraph (b) of subsection (5) of Section 6 of this Act.

(2) An approved company shall determine the income tax credit as provided in this section.

(3) An approved company that is an individual sole proprietorship subject to tax under KRS 141.020 ***or***[~~,~~] a corporation

subject to tax under KRS 141.040(1)~~[, or a limited liability company treated as a corporation for federal income tax purposes]~~ shall:

(a) Compute the income tax due at the applicable tax rates as provided by KRS 141.020 or ***whichever of paragraph (a) or (b) of subsection (5) of KRS*** 141.040 ***applies***~~[,]~~ on net income as defined by KRS 141.010(11)***,***~~[or]~~ taxable net income as defined by KRS 141.010(14), ***or gross receipts, as the case may be,*** including income ***or gross receipts*** from an economic development project; and

(b) Compute the income tax due at the applicable tax rates as provided by KRS 141.020 or ***whichever of paragraph (a) or (b) of subsection (5) of KRS*** 141.040 ***applies***~~[,]~~ on net income as defined by KRS 141.010(11)***,***~~[or]~~ taxable net income as defined by KRS 141.010(14), ***or gross receipts, as the case may be,*** excluding net income ***or gross receipts*** attributable to an economic development project.

(c) The tax credit shall be the amount by which the tax computed under paragraph (a) of this subsection exceeds the tax computed under paragraph (b) of this subsection; however, the credit shall not exceed the limits set forth in KRS 154.23-005 to 154.23-079.

(4) Notwithstanding any other provisions of this chapter, an approved company that is ***a general***~~[an S corporation,]~~ partnership ***not subject to the tax imposed by Section 6 of this Act***~~[, registered limited liability partnership, limited liability company treated as a partnership for federal income tax purposes,]~~ or trust ***not subject to the tax imposed by Section 6 of this Act*** shall be subject to income tax on the net income attributable to an economic development project at the rates provided in KRS 141.020(2), as follows:

(a) The amount of the tax credit shall be the same as the amount of the tax computed in this subsection or, upon the annual election of the approved company, in lieu of the tax credit, an amount shall be applied as an estimated tax payment equal to the tax computed in this section. Any estimated tax payment made in this paragraph shall be in satisfaction of the tax liability of the~~[shareholders,]~~ partners~~[, members,]~~ or beneficiaries of the ***general***~~[S corporation,]~~ partnership~~[, registered limited liability partnership, limited liability company,]~~ or trust, and shall be paid on behalf of the~~[shareholders,]~~ partners~~[, members,]~~ or beneficiaries.

(b) The tax credit or estimated payment shall not exceed the limits set forth in KRS 154.23-005 to 154.23-079.

(c) If the tax computed in this section exceeds the credit, the excess shall be paid by the ***general***~~[S corporation,]~~ partnership~~[, registered limited liability partnership, limited liability company,]~~ or trust at the times provided by KRS 141.160 for filing the returns.

(d) Any estimated tax payment made by the ***general***~~[S corporation,]~~ partnership~~[, registered limited liability partnership, limited liability company,]~~ or trust in satisfaction of the tax liability of~~[shareholders,]~~ partners~~[, members,]~~ or beneficiaries shall not be treated as taxable income subject to Kentucky income tax by the~~[shareholder,]~~ partner~~[, member,]~~ or beneficiary.

(5) Notwithstanding any other provisions of this chapter, the net income subject to tax, the tax credit, and the estimated tax payment determined under subsection (4) of this section shall be excluded in determining each~~[shareholder's,]~~ partner's~~[, member's,]~~ or beneficiary's distributive share of net income or credit of ***a general***~~[an S corporation,]~~ partnership~~[, registered limited liability partnership, limited liability company,]~~ or trust.

(6) If the economic development project is a totally separate facility***:***~~[,]~~

(a) Net income attributable to the project for the purposes of subsections (3), (4), and (5) of this section shall be determined under the separate accounting method reflecting only the gross income, deductions, expenses, gains, and losses allowed under this chapter directly attributable to the facility and overhead expenses apportioned to the facility***; and***

(b) Gross receipts attributable to the project for the purposes of subsection (3) of this section shall be determined under the separate accounting method reflecting only the gross receipts directly attributable to the facility.

(7) If the economic development project is an expansion to a previously existing facility***:***~~[,]~~

(a) Net income attributable to the entire facility shall be determined under the separate accounting method reflecting only the gross income, deductions, expenses, gains, and losses allowed under this chapter directly attributable to the facility, and the net income attributable to the economic development project for the purposes of subsections (3), (4), and (5) of this section shall be determined by apportioning the separate accounting net income of the entire facility to the economic development project by a formula approved by the Revenue Cabinet***; and***

(b) Gross receipts attributable to the entire facility shall be determined under the separate accounting method reflecting only the gross receipts directly attributable to the facility, and gross receipts attributable to the economic development project for the purposes of subsection (3) of this section shall be determined by apportioning the separate accounting gross receipts of the entire facility to the economic development project by a formula approved by the Revenue Cabinet.

(8) If an approved company can show to the satisfaction of the Revenue Cabinet that the nature of the operations and activities of the approved company are such that it is not practical to use the separate accounting method to determine the net income ***or gross receipts*** from the facility at which the economic development project is located, the approved company shall

determine net income ***or gross receipts*** from the economic development project using an alternative method approved by the Revenue Cabinet.

(9) The Revenue Cabinet may issue administrative regulations and require the filing of forms designed by the Revenue Cabinet to reflect the intent of KRS 154.23-005 to 154.23-079 and the allowable income tax credit that an approved company may retain under KRS 154.23-005 to 154.23-079.

Section 19. KRS 141.403 is amended to read as follows:

(1) As used in this section, unless the context requires otherwise:

(a) "Approved company" shall have the same meaning as set forth in KRS 154.26-010;

(b) "Economic revitalization project" shall have the same meaning as set forth in KRS 154.26-010;

(c) "Tax credit" means the tax credit allowed in KRS 154.26-090***; and***

(d) "Gross receipts" means gross receipts as defined in paragraph (b) of subsection (5) of Section 6 of this Act.

(2) An approved company shall determine the[~~ income~~] tax credit as provided in this section.

(3) An approved company which is an individual sole proprietorship subject to tax under KRS 141.020 ***or***[~~,~~] a corporation subject to tax under KRS 141.040(1)[~~, or a limited liability company treated as a corporation for federal income tax purposes~~] shall:

(a) Compute the income tax due at the applicable tax rates as provided by KRS 141.020 or ***whichever of paragraph (a) or (b) of subsection (5) of KRS*** 141.040 ***applies*** on net income as defined by KRS 141.010(11)***,***[~~ or~~] taxable net income as defined by KRS 141.010(14), ***or gross receipts, as the case may be,*** including income ***or gross receipts*** from an economic revitalization project;

(b) Compute the income tax due at the applicable tax rates as provided by KRS 141.020 or ***whichever of paragraph (a) or (b) of subsection (5) of KRS*** 141.040 ***applies*** on net income as defined by KRS 141.010(11)***,***[~~ or~~] taxable net income as defined by KRS 141.010(14), ***or gross receipts, as the case may be,*** excluding net income ***or gross receipts*** attributable to an economic revitalization project; and

(c) The tax credit shall be the amount by which the tax computed under paragraph (a) of this subsection exceeds the tax computed under paragraph (b) of this subsection; however, the credit shall not exceed the limits set forth in KRS 154.26-090.

(4) (a) Notwithstanding any other provisions of this chapter, an approved company which is ***a general***[~~an S corporation,~~] partnership ***not subject to the tax imposed by Section 6 of this Act***[~~, registered limited liability partnership, limited liability company treated as a partnership for federal income tax purposes,~~] or trust ***not subject to the tax imposed by Section 6 of this Act*** shall be subject to income tax on the net income attributable to an economic revitalization project at the rates provided in KRS 141.020(2).

(b) The amount of the tax credit shall be the same as the amount of the tax computed in this subsection or, upon the annual election of the approved company, in lieu of the tax credit, an amount shall be applied as an estimated tax payment equal to the tax computed in this section. Any estimated tax payment made pursuant to this paragraph shall be in satisfaction of the tax liability of the[~~ shareholders,~~] partners[~~, members,~~] or beneficiaries of the ***general***[~~S corporation,~~] partnership[~~, registered limited liability partnership, limited liability company,~~] or trust, and shall be paid on behalf of the[~~ shareholders,~~] partners[~~, members,~~] or beneficiaries.

(c) The tax credit or estimated payment shall not exceed the limits set forth in KRS 154.26-090.

(d) If the tax computed in this section exceeds the tax credit, the difference shall be paid by the ***general***[~~S corporation,~~] partnership[~~, registered limited liability partnership, limited liability company,~~] or trust at the times provided by KRS 141.160 for filing the returns.

(e) Any estimated tax payment made by the ***general***[~~S corporation,~~] partnership[~~, registered limited liability partnership, limited liability company,~~] or trust in satisfaction of the tax liability of[~~ shareholders,~~] partners[~~, members,~~] or beneficiaries shall not be treated as taxable income subject to Kentucky income tax by the[~~ shareholder,~~] partner[~~, member,~~] or beneficiary.

(5) Notwithstanding any other provisions of this chapter, the net income subject to tax, the tax credit, and the estimated tax payment determined under subsection (4) of this section shall be excluded in determining each[~~ shareholder's,~~] partner's[~~, member's,~~] or beneficiaries' distributive share of net income or credit of ***a general***[~~an S corporation,~~] partnership[~~, registered limited liability partnership, limited liability company,~~] or trust.

(6) If the economic ***revitalization***[~~development~~] project is a totally separate facility***:***[~~,~~]

(a) Net income attributable to the project for the purposes of subsections (3), (4), and (5) of this section shall be determined under the separate accounting method reflecting only the gross income, deductions, expenses, gains, and losses allowed under KRS Chapter 141 directly attributable to the facility and overhead expenses apportioned to the facility***; and***

(b) Gross receipts attributable to the project for purposes of subsection (3) of this section shall be determined under the separate accounting method reflecting only the gross receipts directly attributable to the facility.

(7) If the economic *revitalization*[~~development~~] project is an expansion to a previously existing facility*:*[~~,~~]

(a) Net income attributable to the entire facility shall be determined under the separate accounting method reflecting only the gross income, deductions, expenses, gains, and losses allowed under KRS Chapter 141 directly attributable to the facility and overhead expenses apportioned to the facility, and the net income attributable to the economic *revitalization*[~~development~~] project for the purposes of subsections (3), (4), and (5) of this section shall be determined by apportioning the separate accounting net income of the entire facility to the economic *revitalization*[~~development~~] project by a formula approved by the Revenue Cabinet*; and*

(b) Gross receipts attributable to the entire facility shall be determined under the separate accounting method reflecting only the gross receipts directly attributable to the facility. Gross receipts attributable to the economic revitalization project for purposes of subsection (3) of this section shall be determined by apportioning the separate accounting gross receipts of the entire facility to the economic revitalization project pursuant to a formula approved by the Revenue Cabinet.

(8) If an approved company can show to the satisfaction of the Revenue Cabinet that the nature of the operations and activities of the approved company are such that it is not practical to use the separate accounting method to determine the net income from the facility at which the economic *revitalization*[~~development~~] project is located, the approved company shall determine net income from the economic *revitalization*[~~development~~] project using an alternative method approved by the Revenue Cabinet.

(9) The Revenue Cabinet may issue administrative regulations and require the filing of forms designed by the Revenue Cabinet to reflect the intent of KRS 154.26-010 to 154.26-100 and the allowable income tax credit which an approved company may retain under KRS 154.26-010 to 154.26-100.

Section 20. KRS 141.405 is amended to read as follows:

(1) As used in this section, unless the context requires otherwise:

(a) "Approved company" has the same meaning as set forth in KRS 154.12-2084;[~~ and~~]

(b) "Skills training investment credit" has the same meaning as set forth in KRS 154.12-2084*; and*

(c) "Gross receipts" means gross receipts as defined in paragraph (b) of subsection (5) of Section 6 of this Act.

(2) An approved company shall determine the[~~ income~~] tax credit as provided in this section.

(3) (a) An approved company which is an individual sole proprietorship subject to tax under KRS 141.020 or a corporation subject to tax under KRS 141.040(1) shall compute the income tax due at the applicable tax rates as provided by KRS 141.020 or *whichever of paragraph (a) or (b) of subsection (5) of KRS* 141.040 *applies*[~~,~~] on net income as defined by KRS 141.010(11),[~~ or~~] taxable net income as defined by KRS 141.010(14) *or gross receipts, as the case may be*;

(b) The amount of the skills training investment credit that the Bluegrass State Skills Corporation has given final approval for under KRS 154.12-2088(6) shall be applied against the amount of the tax computed under paragraph (a) of this subsection; and

(c) The skills training investment credit payment shall not exceed the amount of the final approval awarded by the Bluegrass State Skills Corporation under KRS 154.12-2088(6).

(4) (a) In the case of an approved company which is *a general*[~~an S corporation or~~] partnership *not subject to the tax imposed by Section 6 of this Act,* the amount of the tax credit awarded by the Bluegrass State Skills Corporation in KRS 154.12-2088(6) shall be apportioned among the shareholders or partners thereof at the same ratio as the[~~ shareholders' or~~] partners' distributive shares of income are determined for the tax year during which the final authorization resolution is adopted by the Bluegrass State Skills Corporation in KRS 154.12-2088(6).

(b) The amount of the tax credit apportioned to each[~~ shareholder or~~] partner that may be claimed in any tax year of the shareholder or partner shall be determined in accordance with the provisions of KRS 154.12-2086.

(5) (a) In the case of an approved company that is a trust *not subject to the tax imposed by Section 6 of this Act*, the amount of the tax credit awarded by the Bluegrass State Skills Corporation in KRS 154.12-2088(6) shall be apportioned to the trust and the beneficiaries on the basis of the income of the trust allocable to each for the tax year during which the final authorizing resolution is adopted by the Bluegrass State Skills Corporation in KRS 154.12-2088(6).

(b) The amount of tax credit apportioned to each trust or beneficiary that may be claimed in any tax year of the trust or beneficiary shall be determined in accordance with the provisions of KRS 154.12-2086.

(6) The Revenue Cabinet may promulgate administrative regulations in accordance with KRS Chapter 13A adopting forms and procedures for the reporting of the credit allowed in KRS 154.12-2084 to 154.12-2089.

Section 21. KRS 141.407 is amended to read as follows:

(1) As used in this section, unless the context requires otherwise:

(a) "Approved company" shall have the same meaning as set forth in KRS 154.24-010;

(b) "Economic development project" shall have the same meaning as economic development project as set forth in

KRS 154.24-010;

(c) "Tax credit" means the tax credit allowed in KRS 154.24-020 to 154.24-150***; and***

(d) "Gross receipts" means gross receipts as defined in paragraph (b) of subsection (5) of Section 6 of this Act.

(2) An approved company shall determine the[~~ income~~] tax credit as provided in this section.

(3) An approved company which is an individual sole proprietorship subject to tax under KRS 141.020 ***or***[~~,~~] a corporation subject to tax under KRS 141.040(1)[~~, or a limited liability company treated as a corporation for federal income tax purposes~~] shall:

(a) Compute the income tax due at the applicable tax rates as provided by KRS 141.020 or ***whichever of paragraph (a) or (b) of subsection (5) of KRS*** 141.040 ***applies*** on net income as defined by KRS 141.010(11),[~~ or~~] taxable net income as defined by KRS 141.010(14), ***or gross receipts, as the case may be,*** including income ***or gross receipts*** from an economic development project;

(b) Compute the income tax due at the applicable tax rates as provided by KRS 141.020 or ***whichever of paragraph (a) or (b) of subsection (5) of KRS*** 141.040 ***applies*** on net income as defined by KRS 141.010(11),[~~ or~~] taxable net income as defined by KRS 141.010(14), ***or gross receipts, as the case may be,*** excluding net income ***or gross receipts*** attributable to an economic development project; and

(c) The tax credit shall be the amount by which the tax computed under paragraph (a) of this subsection exceeds the tax computed under paragraph (b) of this subsection; however, the credit shall not exceed the limits set forth in KRS 154.24-020 to 154.24-150.

(4) (a) Notwithstanding any other provisions of this chapter, an approved company which is ***a general***[~~an S corporation,~~] partnership ***not subject to the tax imposed by Section 6 of this Act***[~~, registered limited liability partnership, limited liability company treated as a partnership for federal income tax purposes,~~] or ***a*** trust ***not subject to the tax imposed by Section 6 of this Act*** shall be subject to income tax on the net income attributable to an economic development project at the rates provided in KRS 141.020(2).

(b) The amount of the tax credit shall be the same as the amount of the tax computed in this subsection or, upon the annual election of the approved company, in lieu of the tax credit, an amount shall be applied as an estimated tax payment equal to the tax computed in this section. Any estimated tax payment made pursuant to this paragraph shall be in satisfaction of the tax liability of the[~~ shareholders,~~] partners[~~, members,~~] or beneficiaries of the ***general***[~~S corporation,~~] partnership[~~, registered limited liability partnership, limited liability company,~~] or trust, and shall be paid on behalf of the[~~ shareholders,~~] partners[~~, members,~~] or beneficiaries.

(c) The tax credit or estimated payment shall not exceed the limits set forth in KRS 154.24-020 to 154.24-150.

(d) If the tax computed herein exceeds the credit, the excess shall be paid by the ***general***[~~S corporation,~~] partnership[~~, registered limited liability partnership, limited liability company,~~] or trust at the times provided by KRS 141.160 for filing the returns.

(e) Any estimated tax payment made by the ***general***[~~S corporation,~~] partnership[~~,~~] or trust in satisfaction of the tax liability of[~~ shareholders,~~] partners[~~, members,~~] or beneficiaries shall not be treated as taxable income subject to Kentucky income tax by the[~~ shareholder,~~] partner[~~, member,~~] or beneficiary.

(5) Notwithstanding any other provisions of this chapter, the net income subject to tax, the tax credit, and the estimated tax payment determined under subsection (4) of this section shall be excluded in determining each[~~ shareholder's,~~] partner's[~~, member's,~~] or beneficiaries' distributive share of net income or credit of ***a general***[~~an S corporation,~~] partnership[~~, registered limited liability partnership, limited liability company,~~] or trust.

(6) If the economic development project is a totally separate facility***:***[~~,~~]

(a) Net income attributable to the project for the purposes of subsections (3), (4), and (5) of this section shall be determined under the separate accounting method reflecting only the gross income, deductions, expenses, gains, and losses allowed under KRS Chapter 141 directly attributable to the facility and overhead expenses apportioned to the facility***; and***

(b) Gross receipts attributable to the project for the purposes of subsection (3) of this section shall be determined under the separate accounting method reflecting only the gross receipts directly attributable to the facility.

(7) If the economic development project is an expansion to a previously existing facility***:***[~~,~~]

(a) Net income attributable to the entire facility shall be determined under the separate accounting method reflecting only the gross income, deductions, expenses, gains, and losses allowed under KRS Chapter 141 directly attributable to the facility and overhead expenses apportioned to the facility, and the net income attributable to the economic development project for the purposes of subsections (3), (4), and (5) of this section shall be determined by apportioning the separate accounting net income of the entire facility to the economic development project by a formula approved by the Revenue Cabinet***; and***

(b) Gross receipts attributable to the entire facility shall be determined under the separate accounting method reflecting only the gross receipts directly attributable to the facility, and gross receipts attributable to the

economic development project for the purposes of subsection (3) of this section shall be determined by apportioning the separate accounting gross receipts of the entire facility to the economic development project by a formula approved by the Revenue Cabinet.

(8) If an approved company can show to the satisfaction of the Revenue Cabinet that the nature of the operations and activities of the approved company are such that it is not practical to use the separate accounting method to determine the net income ***or gross receipts*** from the facility at which the economic development project is located, the approved company shall determine net income ***or gross receipts*** from the economic development project using an alternative method approved by the Revenue Cabinet.

(9) The Revenue Cabinet may promulgate administrative regulations and require the filing of forms designed by the Revenue Cabinet to reflect the intent of KRS 154.24-010 to 154.24-150 and the allowable income tax credit which an approved company may retain under KRS 154.24-010 to 154.24-150.

Section 22. KRS 141.410 is amended to read as follows:

As used in KRS 141.410 to 141.414, unless the context requires otherwise:

(1) "Approved costs" means the costs incurred during the taxable year by a qualified farming operation for training and improving the skills of managers and employees involved in a networking project.

(2) "Business network" means a formalized, collaborative mechanism organized by and operating among three (3) or more qualified farming operations, industrial entities, business enterprises, or private sector firms for the purposes of, but not limited to: pooling expertise; improving responses to changing technology or markets; lowering the risks to individual entities of accelerated modernization; encouraging new technology investments, new market development, and employee skills improvement; and developing a system of collective intelligence among participating entities.

(3) "Food producing facilities" means establishments that manufacture or process foods and beverages for human consumption, and which are included under the ***three (3) digit NAISC***[~~two (2) digit SIC~~] code ***three hundred eleven (311)***[~~20~~];

(4) "Networking project" means a project by which farmers and other entities involved in the production of food join together to form a network approved by the Cabinet for Economic Development for the purpose of producing or expanding the production of crops or livestock necessary for the establishment or expansion of secondary food-producing facilities in Kentucky.

(5) "Qualified farming operation" means an individual, sole proprietorship, partnership, joint venture, trust, unincorporated organization, association, corporation, or institution, engaged in farming in Kentucky that provides raw materials for food-producing facilities in Kentucky, and that purchases new buildings or equipment, or that incurs training expenses, to support its participation in a networking project.

(6) "***NAICS***[~~SIC~~] code" means the classification system grouping business operations or enterprises as published in the ***North American Industry Classification System - United States Manual published by Convergence Working Group and***[~~"Standard Industrial Classification Manual" of~~] the United States Office of Management and Budget, ***2002***[~~1987~~] edition.

(7) "Gross receipts" means gross receipts as defined in paragraph (b) of subsection (5) of Section 6 of this Act.

Section 23. KRS 141.414 is amended to read as follows:

(1) A qualified farming operation which is an individual sole proprietorship subject to tax under KRS 141.020 or a corporation subject to tax under KRS 141.040(1) shall:

(a) Compute the income tax due at the applicable tax rates as provided by KRS 141.020 or ***whichever of paragraph (a) or (b) of subsection (5) of KRS*** 141.040 ***applies*** on net income as defined by KRS 141.010(11)***,***[~~ or~~] taxable net income as defined by KRS 141.010(14), ***or gross receipts, as the case may be,*** including income ***or gross receipts*** from the qualified farming operation's participation in a networking project.

(b) Compute the income tax due at the applicable tax rates as provided by KRS 141.020 or ***whichever of paragraph (a) or (b) of subsection (5) of KRS*** 141.040 ***applies*** on net income as defined by KRS 141.010(11)***,***[~~ or~~] taxable net income as defined by KRS 141.010(14), ***or gross receipts, as the case may be,*** excluding net income ***or gross receipts*** attributable to the qualified farming operation's participation in a networking project; and

(c) Be entitled to a tax credit in the amount by which the tax computed under paragraph (a) of this subsection exceeds the tax computed under paragraph (b) of this subsection. The credit shall not exceed the farming operation's approved costs, as defined in KRS 141.410.

(2) Notwithstanding any other provisions of this chapter, a qualified farming operation which is ***a general***[~~an S corporation,~~] partnership ***not subject to the tax imposed by Section 6 of this Act***[~~,~~] or trust ***not subject to the tax imposed by Section 6 of this Act*** shall be subject to income tax on the net income attributable to its participation in a networking project at the rates provided in KRS 141.020(2), and the amount of the tax credit shall be the same as the amount of the tax computed in this subsection. The credit shall not exceed the farming operation's approved costs, as defined in KRS 141.410. If the tax computed in this subsection exceeds the tax credit, the difference shall be paid by the ***general***[~~S corporation,~~] partnership[~~,~~] or trust at the times provided by KRS 141.160 for filing the returns.

(3) Notwithstanding any other provisions of this chapter, the net income subject to tax and the tax credit determined under subsection (2) of this section shall be excluded in determining each[~~ shareholder's,~~] partner's[~~,~~] or beneficiary's distributive share of net income or credit of ***a***[~~an S corporation,~~] partnership[~~,~~] or trust.

(4) If the networking entity is a separate facility***:***[~~,~~]

(a) Net income attributable to the project for the purposes of subsections (1), (2), and (3) of this section shall be determined under the separate accounting method reflecting only the gross income, deductions, expenses, gains, and losses allowed under KRS Chapter 141 directly attributable to the project and overhead expenses apportioned to the ***facility; and***

(b) Gross receipts attributable to the project for the purposes of subsection (1) of this section shall be determined under the separate accounting method reflecting only the gross receipts directly attributable to the facility[~~project~~].

(5) If the networking project is an expansion to a previously existing farming operation***:***[~~,~~]

(a) Net income attributable to the entire operation shall be determined under the separate accounting method reflecting only the gross income, deductions, expenses, gains, and losses allowed under this chapter directly attributable to the farming operation's participation in the networking project and overhead expenses apportioned to the networking project, and the net income attributable to the networking project for the purposes of subsections (1), (2), and (3) of this section shall be determined by apportioning the separate accounting net income of the entire networking project to the networking project by a formula approved by the Revenue Cabinet***; and***

(b) Gross receipts attributable to the entire facility shall be determined under the separate accounting method reflecting only the gross receipts directly attributable to the facility, and gross receipts attributable to the economic development project for the purposes of subsection (1) of this section shall be determined by apportioning the separate accounting gross receipts of the entire facility to the economic development project by a formula approved by the Revenue Cabinet.

(6) If an approved company can show to the satisfaction of the Revenue Cabinet that the nature of the operations and activities of the approved farming operation are such that it is not practical to use the separate accounting method to determine the net income ***or gross receipts*** from the networking project, the approved farming operation shall determine net income ***or gross receipts*** from its participation in the networking project using an alternative method approved by the Revenue Cabinet.

(7) The Revenue Cabinet may promulgate administrative regulations pursuant to KRS Chapter 13A and require the filing of forms designed by the Revenue Cabinet necessary to effectuate KRS 141.0101 and KRS 141.410 to 141.414 and the allowable income tax credit which an approved farming operation may retain under the provisions of KRS 141.412 and this section.

Section 24. KRS 141.415 is amended to read as follows:

(1) As used in this section, unless the context requires otherwise:

(a) "Approved company" has the same meaning as set forth in KRS 154.34-010;

(b) "Reinvestment project" has the same meaning as set forth in KRS 154.34-010;[~~ and~~]

(c) "Tax credit" means the tax credit allowed in KRS 154.34-080***; and***

(d) "Gross receipts" means gross receipts as defined in paragraph (b) of subsection (5) of Section 6 of this Act.

(2) An approved company shall determine the income tax credit as provided in this section.

(3) An approved company which is an individual sole proprietorship subject to tax under KRS 141.020 ***or***[~~,~~] a corporation subject to tax under KRS 141.040(1)[~~, or limited liability company treated as a corporation for federal income tax purposes~~] shall:

(a) Compute the income tax due at the applicable tax rates as provided by KRS 141.020 or ***whichever of paragraph (a) or (b) of subsection (5) of KRS*** 141.040 ***applies*** on net income as defined by KRS 141.010(11)***,***[~~ or~~] taxable net income as defined by KRS 141.010(14), ***or gross receipts, as the case may be,*** including income ***or gross receipts*** from a reinvestment project;

(b) Compute the income tax due at the applicable tax rates as provided by KRS 141.020 or ***whichever of paragraph (a) or (b) of subsection (5) of KRS*** 141.040 ***applies*** on net income as defined by KRS 141.010(11)***,***[~~ or~~] taxable net income as defined by KRS 141.010(14), ***or gross receipts, as the case may be,*** excluding net income ***or gross receipts*** attributable to a reinvestment project; and

(c) The tax credit shall be the amount by which the tax computed under paragraph (a) of this subsection exceeds the tax computed under paragraph (b) of this subsection; however, the credit shall not exceed the limits set forth in KRS 154.34-080.

(4) (a) Notwithstanding any other provisions of this chapter, an approved company which is ***a general***[~~an S corporation,~~] partnership ***not subject to the tax imposed by Section 6 of this Act***[~~, registered limited liability partnership, limited liability company treated as a partnership for federal income tax purposes,~~] or trust ***not subject to the tax imposed***

by Section 6 of this Act shall be subject to income tax on the net income attributable to a reinvestment project at the rates provided in KRS 141.020(2).

(b) The amount of the tax credit shall be the same as the amount of the tax computed in this subsection or, upon the annual election of the approved company, in lieu of the tax credit, an amount shall be applied as an estimated tax payment equal to the tax computed in this section. Any estimated tax payment made pursuant to this paragraph shall be in satisfaction of the tax liability of the[~~ shareholders,~~] partners[~~, members,~~] or beneficiaries of the ***general***[~~S corporation,~~] partnership[~~, registered limited liability partnership, limited liability company,~~] or trust, and shall be paid on behalf of the[~~ shareholders,~~] partners[~~, members,~~] or beneficiaries.

(c) The tax credit or estimated payment shall not exceed the limits set forth in KRS 154.34-080.

(d) If the tax computed in this section exceeds the tax credit, the difference shall be paid by the ***general***[~~S corporation,~~] partnership[~~, registered limited liability partnership, limited liability company,~~] or trust at the times provided by KRS 141.160 for filing the returns.

(e) Any estimated tax payment made by the ***general***[~~S corporation,~~] partnership[~~, registered limited liability partnership, limited liability company,~~] or trust in satisfaction of the tax liability of[~~ shareholders,~~] partners[~~, members,~~] or beneficiaries[~~,~~] shall not be treated as taxable income subject to Kentucky income tax by the[~~ shareholder,~~] partner[~~, member,~~] or beneficiary.

(5) Notwithstanding any other provisions of this chapter, the net income subject to tax, the tax credit, and the estimated tax payment determined under subsection (4) of this section shall be excluded in determining each[~~ shareholder's,~~] partner's[~~, member's,~~] or beneficiary's distributive share of net income or credit of ***a general***[~~an S corporation,~~] partnership[~~, registered limited liability partnership, limited liability company~~] or trust.

(6) If the reinvestment project is a totally separate facility***:***[~~,~~]

(a) Net income attributable to the project for the purposes of subsections (3), (4), and (5) of this section shall be determined under the separate accounting method reflecting only the gross income, deductions, expenses, gains, and losses allowed under KRS Chapter 141 directly attributable to the facility and overhead expenses apportioned to the facility***; and***

(b) Gross receipts attributable to the project for the purposes of subsection (3) of this section shall be determined under the separate accounting method reflecting only the gross receipts directly attributable to the facility.

(7) If the reinvestment project is an expansion to a previously existing facility***:***[~~,~~]

(a) Net income attributable to the entire facility shall be determined under the separate accounting method reflecting only the gross income, deductions, expenses, gains, and losses allowed under KRS Chapter 141 directly attributable to the facility and overhead expenses apportioned to the facility, and the net income attributable to the reinvestment project for the purposes of subsections (3), (4), and (5) of this section shall be determined by apportioning the separate accounting net income of the entire facility to the reinvestment project by a formula approved by the Revenue Cabinet***; and***

(b) Gross receipts attributable to the entire facility shall be determined under the separate accounting method reflecting only the gross receipts directly attributable to the facility, and gross receipts attributable to the economic development project for the purposes of subsection (3) of this section shall be determined by apportioning the separate accounting gross receipts of the entire facility to the economic development project by a formula approved by the Revenue Cabinet.

(8) If an approved company can show to the satisfaction of the Revenue Cabinet that the nature of the operations and activities of the approved company are such that it is not practical to use the separate accounting method to determine the net income ***or gross receipts*** from the facility at which the reinvestment project is located, the approved company shall determine net income ***or gross receipts*** from the reinvestment project using an alternative method approved by the Revenue Cabinet.

(9) The Revenue Cabinet may issue administrative regulations and require the filing of forms designed by the Revenue Cabinet to reflect the intent of KRS 154.34-010 to 154.34-100 and the allowable income tax credit which an approved company may retain under KRS 154.34-010 to 154.34-100.

Section 25. KRS 141.990 is amended to read as follows:

(1) Any individual, fiduciary, corporation, employer, or other person who violates any of the provisions of this chapter shall be subject to the uniform civil penalties imposed pursuant to KRS 131.180.

(2) Any individual required by KRS 141.300 to file a declaration of estimated tax and required by KRS 141.305 to pay the declaration of estimated tax shall be subject to a penalty as provided in KRS 131.180 for any declaration underpayment or any late payment. Underpayment, for purposes of this subsection, is determined by subtracting declaration credits allowed by KRS 141.070, declaration installment payments actually made, and credit for tax withheld as allowed by KRS 141.350 from seventy percent (70%) of the total income tax liability computed by the taxpayer as shown on the return filed for the tax year. This subsection shall not apply to the tax year in which the death of the taxpayer occurs, nor in the case of a farmer exercising an election under subsection (5) of KRS 141.305, nor in the case of any person having a tax liability of two hundred dollars ($200) or less.

(3) Any corporation required by KRS 141.042 to file a declaration of estimated tax and required to pay the declaration of estimated tax by the installment method prescribed by subsection (1) of KRS 141.044 shall be subject to a penalty as provided in KRS 131.180 for any declaration underpayment or any installment not paid on time. Declaration underpayment, for purposes of this subsection, is determined by subtracting five thousand dollars ($5,000) and declaration payments actually made from seventy percent (70%) of the total[~~ income~~] tax liability ***due under the provisions of Section 6 of this Act and*** computed by the taxpayer on the return filed for the tax year.

(4) Every tax imposed by this chapter, and all increases, interest, and penalties thereon, shall become, from the time it is due and payable, a personal debt to the state from the taxpayer or other person liable therefor.

(5) In addition to the penalties herein prescribed, any taxpayer or employer, who willfully fails to make a return or willfully makes a false return, or who willfully fails to pay taxes owing or collected, with intent to evade payment of the tax or amount collected, or any part thereof, shall be guilty of a Class D felony.

(6) Any person who willfully aids or assists in, or procures, counsels, or advises the preparation or presentation under, or in connection with any matter arising under this chapter of a return, affidavit, claim, or other document, which is fraudulent or is false as to any material matter, whether or not the falsity or fraud is with the knowledge or consent of the person authorized or required to present such return, affidavit, claim, or document, shall be guilty of a Class D felony.

(7) A return for the purpose of this section shall mean and include any return, declaration, or form prescribed by the cabinet and required to be filed with the cabinet by the provisions of this chapter, or by the rules and regulations of the cabinet or by written request for information to the taxpayer by the cabinet.

Section 26. KRS 136.530 is amended to read as follows:

(1) The receipts factor is a fraction, the numerator of which is the receipts of the financial institution in this Commonwealth during the taxable year as determined by subsection (2) of this section and the denominator of which is the receipts of the financial institution within and without this Commonwealth during the taxable year. Receipts shall include the following:

(a) Receipts from the lease or rental of real property owned by the financial institution;

(b) Receipts from the lease or rental of tangible personal property owned by the financial institution;

(c) Interest and fees or penalties in the nature of interest from loans secured by real property;

(d) Interest and fees or penalties in the nature of interest from loans not secured by real property;

(e) Net gains from the sale of loans. Net gains from the sale of loans includes income recorded under the coupon stripping rules of Section 1286 of the Internal Revenue Code;

(f) Interest and fees or penalties in the nature of interest from credit card receivables and receipts from fees charged to card holders, such as annual fees;

(g) Net gains, but not less than zero (0), from the sale of credit card receivables;

(h) All credit card issuer's reimbursement fees;

(i) Receipts from merchant discount. Receipts from merchant discount shall be computed net of any cardholder charge backs, but shall not be reduced by any interchange transaction fees or by any issuer's reimbursement fees paid to another for charges made by its card holders;

(j) Loan servicing fees derived from loans secured by real property;

(k) Loan servicing fees derived from loans not secured by real property;

(l) Interest, dividends, net gains, but not less than zero (0), and other income from investment assets and activities and from trading assets and activities. Investment assets and activities and trading assets and activities include but are not limited to investment securities, trading account assets, federal funds, securities purchased and sold under agreements to resell or repurchase, options, futures contracts, forward contracts, notional principal contracts such as swaps, equities, and foreign currency transactions. The receipts factor shall include the following amounts:

1. The amount by which interest from federal funds sold and securities purchased under resale agreements exceeds interest expense on federal funds purchased and securities sold under repurchase agreements; and

2. The amount by which interest, dividends, gains, and other income from trading assets and activities, including but not limited to assets and activities in the matched book, in the arbitrage book, and foreign currency transactions, exceed amounts paid in lieu of interest, amounts paid in lieu of dividends, and losses from these assets and activities;

(m) All receipts derived from sales that would be included in the factor established by ***paragraph (c) of subsection (8) of Section 8 of this Act***[~~KRS 136.070(3)(d)1., 2., and 3.~~]; and

(n) Receipts from services not otherwise specifically listed.

(2) A determination of whether receipts should be included in the numerator of the fraction shall be made as follows:

(a) Receipts from the lease or rental of real property owned by the financial institution shall be included in the numerator if the property is located within this Commonwealth or receipts from the sublease of real property if the property is located within this Commonwealth.

(b) 1. Except as described in subparagraph 2. of this paragraph, receipts from the lease or rental of tangible personal property owned by the financial institution shall be included in the numerator if the property is located within this Commonwealth when it is first placed in service by the lessee.

2. Receipts from the lease or rental of transportation property owned by the financial institution are included in the numerator of the receipts factor to the extent that the property is used in this Commonwealth. The extent an aircraft will be deemed to be used in this Commonwealth and the amount of receipts that is to be included in the numerator of this Commonwealth's receipts factor is determined by multiplying all the receipts from the lease or rental of the aircraft by a fraction, the numerator of which is the number of landings of the aircraft in this Commonwealth and the denominator of which is the total number of landings of the aircraft. If the extent of the use of any transportation property within this Commonwealth cannot be determined, then the property shall be deemed to be used wholly in the state in which the property has its principal base of operations. A motor vehicle shall be deemed to be used wholly in the state in which it is registered.

(c) 1. Interest and fees or penalties in the nature of interest from loans secured by real property shall be included in the numerator if the property is located within this Commonwealth. If the property is located both within this Commonwealth and one (1) or more other states, receipts shall be included if more than fifty percent (50%) of the fair market value of the real property is located within this Commonwealth. If more than fifty percent (50%) of the fair market value of the real property is not located within any one (1) state, then the receipts described in this subparagraph shall be included in the numerator if the borrower is located in this Commonwealth.

2. The determination of whether the real property securing a loan is located within this Commonwealth shall be made as of the time the original agreement was made, and any subsequent substitutions of collateral shall be disregarded.

(d) Interest and fees or penalties in the nature of interest from loans not secured by real property shall be included in the numerator if the borrower is located in this Commonwealth.

(e) Net gains from the sale of loans shall be included in the numerator as provided in subparagraphs 1. and 2. of this paragraph. Net gains from the sale of loans includes income recorded under the coupon stripping rules of Section 1286 of the Internal Revenue Code.

1. The amount of net gains, but not less than zero (0), from the sale of loans secured by real property included in the numerator is determined by multiplying net gains by a fraction the numerator of which is the amount included in the numerator of the receipts factor pursuant to paragraph (c) of this subsection and the denominator of which is the total amount of interest and fees or penalties in the nature of interest from loans secured by real property.

2. The amount of net gains, but not less than zero (0), from the sale of loans not secured by real property included in the numerator is determined by multiplying net gains by a fraction the numerator of which is the amount included in the numerator of the receipts factor pursuant to paragraph (d) of this subsection and the denominator of which is the total amount of interest and fees or penalties in the nature of interest from loans not secured by real property.

(f) Interest and fees or penalties in the nature of interest from credit card receivables and receipts from fees charged to card holders, such as annual fees, shall be included in the numerator if the billing address of the card holder is in this Commonwealth.

(g) Net gains, but not less than zero (0), from the sale of credit card receivables to be included in the numerator shall be determined by multiplying the amount established in paragraph (g) of subsection (1) of this section by a fraction the numerator of which is the amount included in the numerator of the receipts factor pursuant to paragraph (f) of this subsection and the denominator of which is the financial institution's total amount of interest and fees or penalties in the nature of interest from credit card receivables and fees charged to card holders.

(h) Credit card issuer's reimbursement fees to be included in the numerator shall be determined by multiplying the amount established in paragraph (h) of subsection (1) of this section by a fraction the numerator of which is the amount included in the numerator of the receipts factor pursuant to paragraph (f) of this subsection and the denominator of which is the financial institution's total amount of interest and fees or penalties in the nature of interest from credit card receivables and fees charged to card holders.

(i) Receipts from merchant discount shall be included in the numerator if the commercial domicile of the merchant is in this Commonwealth. Receipts from merchant discount shall be computed net of any cardholder charge backs but shall not be reduced by any interchange transaction fees or by any issuer's reimbursement fees paid to another for charges made by its card holders.

(j) 1. a. Loan servicing fees derived from loans secured by real property to be included in the numerator shall be determined by multiplying the amount determined under paragraph (j) of subsection (1) of this section by a fraction the numerator of which is the amount included in the numerator of the receipts factor pursuant to paragraph (c) of this subsection and the denominator of which is the total amount of interest and fees or penalties in the nature of interest from loans secured by real property.

b. Loan servicing fees derived from loans not secured by real property to be included in the numerator shall be determined by multiplying the amount determined under paragraph (k) of subsection (1) of this section by a fraction the numerator of which is the amount included in the numerator of the receipts factor pursuant to paragraph (d) of this subsection and the denominator of which is the total amount of interest and fees or penalties in the nature of interest from loans not secured by real property.

2. In circumstances in which the financial institution receives loan servicing fees for servicing either the secured or the unsecured loans of another, the numerator of the receipts factor shall include the fees if the borrower is located in this Commonwealth.

(k) Receipts from services not otherwise apportioned under this section shall be included in the numerator if the service is performed in this Commonwealth. If the service is performed both within and without this Commonwealth, the numerator of the receipts factor includes receipts from services not otherwise apportioned under this section, if a greater proportion of the income-producing activity is performed in this Commonwealth based on cost of performance.

(l) 1. The numerator of the receipts factor includes interest, dividends, net gains, but not less than zero (0), and other income from investment assets and activities and from trading assets and activities described in paragraph (l) of subsection (1) of this section that are attributable to this Commonwealth.

a. The amount of interest, dividends, net gains, but not less than zero (0), and other income from investment assets and activities in the investment account to be attributed to this Commonwealth and included in the numerator is determined by multiplying all income from the assets and activities by a fraction the numerator of which is the average value of the assets that are properly assigned to a regular place of business of the financial institution within this Commonwealth and the denominator of which is the average value of all the assets.

b. The amount of interest from federal funds sold and purchased and from securities purchased under resale agreements and securities sold under repurchase agreements attributable to this Commonwealth and included in the numerator is determined by multiplying the amount described in subparagraph 1. of paragraph (l) of subsection (1) of this section from funds and securities by a fraction the numerator of which is the average value of federal funds sold and securities purchased under agreements to resell which are properly assigned to a regular place of business of the financial institution within this Commonwealth and the denominator of which is the average value of all funds and securities.

c. The amount of interest, dividends, gains, and other income from trading assets and activities, including but not limited to assets and activities in the matched book, in the arbitrage book, and foreign currency transactions, but excluding amounts described in subdivisions a. and b. of this subparagraph, attributable to this Commonwealth and included in the numerator is determined by multiplying the amount described in subparagraph 2. of paragraph (l) of subsection (1) of this section by a fraction the numerator of which is the average value of trading assets which are properly assigned to a regular place of business of the financial institution within this Commonwealth and the denominator of which is the average value of all assets.

d. For purposes of this subparagraph, average value shall be determined using the rules for determining the average value of tangible personal property set forth in KRS 136.535(3) and (4).

2. In lieu of using the method set forth in subparagraph 1. of this paragraph, the financial institution may elect, or the cabinet may require in order to fairly represent the business activity of the financial institution in this Commonwealth, the use of the method set forth in this subparagraph.

a. The amount of interest, dividends, net gains, but not less than zero (0), and other income from investment assets and activities in the investment account to be attributed to this Commonwealth and included in the numerator is determined by multiplying all income from assets and activities by a fraction the numerator of which is the gross income from assets and activities which are properly assigned to a regular place of business of the financial institution within this Commonwealth and the denominator of which is the gross income from all assets and activities.

b. The amount of interest from federal funds sold and purchased and from securities purchased under resale agreements and securities sold under repurchase agreements attributable to this Commonwealth and included in the numerator is determined by multiplying the amount described in subparagraph 1. of paragraph (l) of subsection (1) of this section from funds and securities by a fraction the numerator of which is the gross income from funds and securities which are properly assigned to a regular place of business of the financial institution within this Commonwealth and the denominator of which is the gross income from all funds and securities.

c. The amount of interest, dividends, gains, and other income from trading assets and activities, including but not limited to assets and activities in the matched book, in the arbitrage book and foreign currency transactions, but excluding amounts described in subdivisions a. and b. of this subparagraph, attributable to this Commonwealth and included in the numerator is determined by multiplying the amount described in subparagraph 2. of paragraph (l) of subsection (1) of this section by a fraction the numerator of which is the gross income from trading assets and activities which are properly assigned to a regular place of business of the financial institution within this Commonwealth and the denominator of which is the gross income from all assets and activities.

3. If the financial institution elects or is required by the cabinet to use the method set forth in subparagraph 2. of this paragraph, it shall use this method on all subsequent returns unless the financial institution receives prior permission from the cabinet to use, or the cabinet requires, a different method.

4. The financial institution shall have the burden of proving that an investment asset or activity or trading asset or activity was properly assigned to a regular place of business outside this Commonwealth by demonstrating that the day-to-day decisions regarding the asset or activity occurred at a regular place of business outside this Commonwealth. Where the day-to-day decisions regarding an investment asset or activity or trading asset or activity occur at more than one (1) regular place of business and one (1) regular place of business is in this Commonwealth and one (1) regular place of business is outside this Commonwealth, the asset or activity shall be considered to be located at the regular place of business of the financial institution where the investment or trading policies or guidelines with respect to the asset or activity are established. Unless the financial institution demonstrates to the contrary, the policies and guidelines shall be presumed to be established at the commercial domicile of the financial institution.

(m) The numerator of the receipts factor includes all other receipts derived from sales as determined pursuant to the provisions set forth in ***paragraph (c) of subsection (8) of Section 8 of this Act***[~~KRS 136.070(3)(d)1., 2., and 3~~].

(n) 1. All receipts that would be assigned under this section to a state in which the financial institution is not taxable shall be included in the numerator of the receipts factor, if the financial institution's commercial domicile is in this Commonwealth.

2. For purposes of subparagraph 1. of this paragraph, "taxable" means either:

a. That a financial institution is subject in another state to a net income tax, a franchise tax measured by net income, a franchise tax for the privilege of doing business, a corporate stock tax including a bank shares tax, a single business tax, an earned surplus tax, or any tax which is imposed upon or measured by net income; or

b. That another state has statutory authority to subject the financial institution to any of the taxes in subdivision a. of this subparagraph, whether in fact the state does or does not impose the tax.

Section 27. KRS 144.125 is amended to read as follows:

(1) Subject to the provisions of subsections (4) through (9) of this section and KRS 144.130, any certificated air carrier which is engaged in the air transportation of persons or property for hire shall be entitled to a general tax credit, as computed in subsection (3) of this section, for any annual period in which the certificated air carrier meets or exceeds the investment and gross wage qualification requirements prescribed in subsection (2) of this section and has elected to begin claiming the credit.

(2) To qualify for the general tax credit provided in subsection (1) of this section, the certificated air carrier shall:

(a) Prior to or during the annual period for which the credit is claimed, have made, caused to be made, or obtained contractual obligations to make, consistent with the fundamental project scope, an investment in the aggregate of at least three hundred million dollars ($300,000,000) in new and expanded air transportation facilities and related equipment in this Commonwealth; and

(b) During the annual period for which the credit is claimed, have gross wages subject to Kentucky income tax and Kentucky income tax withholding pursuant to KRS Chapter 141 which are at least fifteen million dollars ($15,000,000) greater than its gross Kentucky real wage base. In calculating the gross wages paid for the annual period for which the credit is claimed, there shall not be included the wages of any nonqualifying employees of the certificated air carrier.

(3) The general tax credit shall be an amount equal to ten percent (10%) of the increase in gross wages subject to Kentucky income tax and Kentucky income tax withholding paid by the certificated air carrier during the annual period as compared to the carrier's gross Kentucky real wage base. In calculating the gross wages paid for the annual period for which the credit is claimed, there shall not be included the wages of any nonqualifying employees of the certificated air carrier.

(4) The general tax credit may accrue for only five (5) consecutive annual periods of the qualifying certificated air carrier. The five (5) year limitation period shall begin at the election of the qualifying certificated air carrier, but not later than the carrier's annual period beginning in 1997. The tax credit shall accrue to the carrier only for the annual periods during which the carrier meets or exceeds the requirements as provided in subsection (2) of this section.

(5) The general tax credit authorized to a qualifying certificated air carrier shall not exceed three million dollars ($3,000,000) for any annual period.

(6) The general tax credit authorized to a qualifying certificated air carrier shall not exceed a total of fifteen million dollars ($15,000,000).

(7) The general tax credit authorized shall be claimed by the qualifying certificated air carrier first against ***the tax liability imposed by Section 6 of this Act***~~[its Kentucky corporation income tax liability]~~, then against its Kentucky corporation license tax liability, with any remaining balance to be claimed against its Kentucky sales and use tax liability. The credit shall not be applied to any other liability due the Commonwealth. The Revenue Cabinet may prescribe the method or manner for the qualifying certificated air carrier to claim the tax credit on applicable tax returns filed with the cabinet.

(8) If the tax liabilities against which the tax credit is to be claimed pursuant to subsection (7) of this section are not sufficient to fully absorb the allowable tax credit, or if a~~[net operating loss carryback or other]~~ subsequent adjustment reduces the carrier's liability against which a credit authorized by this section has previously been claimed, the unused or excess balance of the allowable credit may be applied against the carrier's liabilities for the specified taxes for previous or subsequent annual periods within the five (5) year limitation period. However, no refund in excess of the net tax actually paid by the carrier shall be made by the Commonwealth because of the carrier's application of the unused or excess credit. Interest shall not apply to any tax refunded for a prior period resulting from the credit carryback provisions of this subsection.

(9) Each certificated air carrier claiming the general tax credit authorized pursuant to this section shall file an annual general tax credit reconciliation report with the Revenue Cabinet on or before the fifteenth day of the fourth month following the end of each annual period for which the credit is claimed. The report shall be filed as provided in KRS 144.135 to 144.139 for each type tax against which the credit is applied.

Section 28. KRS 155.170 is amended to read as follows:

(1) An annual excise tax is hereby levied on every corporation organized under this chapter for the privilege of transacting business in this Commonwealth during the calendar year, according to or measured by its entire net income, as defined herein, received or accrued from all sources during the preceding calendar year, hereinafter referred to as taxable year, at the rate of four and one-half percent (4.5%) of such entire net income. The minimum tax assessable to any one (1) such corporation shall be ten dollars ($10). The liability for the tax imposed by this section shall arise upon the first day of each calendar year, and shall be based upon and measured by the entire net income of each such corporation for the preceding calendar year, including all income received from government securities in such year. As used in this section the words "taxable year" mean the calendar year next preceding the calendar year for which and during which the excise tax is levied.

(2) The excise tax levied under subsection (1) of this section shall be in lieu of all intangible personal property taxes, the corporation license tax imposed by KRS 136.070 and the ***taxes***~~[state income tax]~~ imposed by KRS 141.040. It is the purpose and intent of the General Assembly to levy taxes on corporations organized pursuant to this chapter so that all such corporations will be taxed uniformly in a just and equitable manner in accordance with the provisions of the Constitution of the Commonwealth of Kentucky. The intent of this section is for the General Assembly to exercise the powers of classification and of taxation on property, franchises, and trades conferred by Section 171 of the Constitution of the Commonwealth.

(3) On or before June 1 of each year, the executive officer or officers of each corporation shall file with the secretary of revenue a full and accurate report of all income received or accrued during the taxable year, and also an accurate record of the legal deductions in the same calendar year to the end that the correct entire net income of the corporation may be determined. This report shall be in such form and contain such information as the secretary of revenue may specify. At the time of making such report by each corporation, the taxes levied by this section with respect to an excise tax on corporations organized pursuant to this chapter shall be paid to the secretary of revenue.

(4) The securities, evidences of indebtedness and shares of the capital stock issued by the corporation established under the provisions of this chapter, their transfer, and income therefrom and deposits of financial institutions invested therein, shall at all times be free from taxation within the Commonwealth.

(5) Any stockholder, member, or other holder of any securities, evidences of indebtedness, or shares of the capital stock of the corporation who realizes a loss from the sale, redemption, or other disposition of any securities, evidences of indebtedness, or shares of the capital stock of the corporation, including any such loss realized on a partial or complete liquidation of the corporation, and who is not entitled to deduct such loss in computing any of such stockholder's, member's, or other holder's taxes to the Commonwealth shall be entitled to credit against any taxes subsequently becoming due to the Commonwealth from such stockholder, member, or other holder, a percentage of such loss equivalent to the highest rate of tax assessed for the year in which the loss occurs upon mercantile and business corporations.

Section 29. The amendments made in Section 1 of this Act shall apply to corporation license tax returns due without regard to extension on or after April 15, 2004.

Section 30. The provisions of this Act take effect January 1, 2005.

The House Committee Amendment No. 1 Title to **SB 251** is as follows:

SB 251, Amend the title to read as follows: "AN ACT relating to revenue and taxation.".

Representative Adkins moved that the rules be suspended to take the following Bills from the Committee on Rules and place them in the Orders of the Day: **SB 100, 251, HB 258, 376, 90,** and **242**. Agreed.

Orders of the Day

SB 156, with House Committee Substitute and House Floor Amendments attached thereto, taken from the Orders of the Day and ordered read at length for the third time. Representative Adkins moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative De. Butler moved the adoption of the House Committee Substitute to **SB 156**. Agreed.

Representative De. Butler moved the adoption of House Floor Amendment No. 1 to the House Committee Substitute to **SB 156**. Agreed.

Representative De. Butler moved that **SB 156**, by way of House Committee Substitute, as amended, be passed.

Representative Burch moved the adoption of House Floor Amendment No. 2 to **SB 156**.

Representative Lindsay inquired whether Floor Amendment No. 2 to **SB 156** is germane.

The Speaker ruled that House Floor Amendment No. 2 to **SB 156** is not germane.

On the roll call on the passage of **SB 156**, by way of House Committee Substitute, as amended, the vote was: **Yeas 69, Nays 25**. (See April 12, 2004, roll call on **SB 156** - Appendix.)

SB 156, by way of House Committee Substitute, as amended, was passed and the title agreed to.

Representative De. Butler moved that the vote by which **SB 156**, by way of House Committee Substitute, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

The Speaker appointed the following members to a Conference Committee on **HB 708**: Representatives Barrows, Westrom, Feeley, and De. Butler.

SB 100, with House Committee Substitute and House Committee Amendments attached thereto, taken from the Orders of the Day and ordered read at length for the third time. Representative Adkins moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Moberly moved the adoption of the House Committee Substitute to **SB 100**. Agreed.

Representative Moberly moved the adoption of House Committee Amendment No. 1 to the House Committee Substitute to **SB 100**. Agreed.

Representative Moberly moved the adoption of House Committee Amendment No. 2 to the House Committee Substitute to **SB 100**. Agreed.

Representative Moberly moved that **SB 100**, by way of House Committee Substitute, as amended, be passed.

Representative Hoover inquired whether this action violates Section 47 of the Kentucky Constitution.

The Speaker ruled that this action does not violate Section 47 of the Kentucky Constitution.

On the roll call on the passage of **SB 100**, by way of House Committee Substitute, as amended, the vote was: **Yeas 62, Nays 0**. (See April 12, 2004, roll call on **SB 100** - Appendix.)

SB 100, by way of House Committee Substitute, as amended, was passed and the title agreed to.

Representative Moberly moved that the vote by which **SB 100**, by way of House Committee Substitute, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

Representative Moberly moved the adoption of House Committee Amendment No. 3 Title to **SB 100**.

Representative Moberly moved that the rules be suspended to reconsider the clincher motion on **SB 100**.

On the roll call to reconsider the clincher motion the vote was: **Yeas 61, Nays 1**. (See April 12, 2004, roll call on **SB 100** - Appendix.)

The motion to reconsider the clincher motion on **SB 100** was adopted.

Representative Moberly moved the adoption of House Committee Amendment No. 3 Title to **SB 100**. Agreed.

Representative Moberly moved that the vote by which **SB 100**, by way of House Committee Substitute, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

SB 251, with House Committee Substitutes, House Committee Amendment, and House Floor Amendments attached thereto, taken from the Orders of the Day and ordered read at length for the third time. Representative Adkins moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Moberly moved the adoption of the House Committee Substitute No. 2 to **SB 251**. Agreed.

Representative Moberly moved that the rules be suspended to consider House Floor Amendment No. 4 to **SB 251**.

On the roll call to suspend the Rules to consider House Floor Amendment No. 4 the vote was: **Yeas 57, Nays 0**. (See April 12, 2004, roll call on **SB 251** - Appendix.)

The motion to suspend the Rules to consider House Floor Amendment No. 4 to **SB 251** was adopted.

Representative Moberly moved the adoption of House Floor Amendment No. 4 to the House Committee Substitute No. 2 to **SB 251**. Agreed.

Representative Moberly moved that **SB 251**, by way of House Committee Substitute, as amended, be passed.

Representative Crall inquired whether this action is in legal accord with Section 47 of the Kentucky Constitution.

The Speaker ruled that this action is legal.

On the roll call on the passage of **SB 251**, by way of House Committee Substitute, as amended, the vote was: **Yeas 60, Nays 34**. (See April 12, 2004, roll call on **SB 251** - Appendix.)

SB 251, by way of House Committee Substitute, as amended, was passed.

Representative Moberly moved the adoption of House Committee Amendment No. 1 Title to **SB 251**. Agreed.

Representative Moberly moved that the vote by which **SB 251**, by way of House Committee Substitute, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

Representative Adkins moved to allow the House to Recess until 9:00 p.m. for a Majority Caucus meeting in the Supreme Court Chambers.

Recess

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Motions, Petitions, and Communications

Representative Hall moved to reconsider the vote on **SB 245**.

On the roll call the vote was: **Yeas 79, Nays 8**. (See April 12, 2004, roll call on **SB 245** - Appendix.)

The motion to reconsider the vote on **SB 245** was adopted.

Representative Hall moved to reconsider the application of the previous question. Agreed.

Representative Nelson moved the adoption of House Floor Amendment No. 5 to the House Committee Substitute to **SB 245**.

On the roll call the vote was: **Yeas 83, Nays 11**. (See April 12, 2004, roll call on **SB 245** Appendix.)

House Floor Amendment No. 5 to the House Committee Substitute to **SB 245** was adopted.

Representative Hall moved that **SB 245**, by way of House Committee Substitute, as amended, be adopted.

Representative Damron moved the previous question.

On the roll call for the previous question the vote was: **Yeas 78, Nays 10**. (See April 12, 2004, roll call on **SB 245** - Appendix.)

The motion for the previous question was adopted.

On the roll call on the passage of **SB 245**, by way of Committee Substitute, as amended, the vote was: **Yeas 85, Nays 11.** (See April 12, 2004, roll call on the passage of **SB 245**, by way of Committee Substitute, as amended - Appendix.)

SB 245, by way of House Committee Substitute, as amended, was passed and the title agreed to.

Representative Hall moved that the vote by which **SB 245**, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

The Speaker removed the clincher motion without objection.

Representative Hall moved the adoption of House Floor Amendment No. 6 Title to **SB 245**. Agreed.

Representative Hall moved that the vote by which **SB 245**, by way of House Committee Substitute, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

Representative Comer moved the adoption of the following **Legislative Citation No. 114**.

The House of Representatives of the Commonwealth of Kentucky does hereby adjourn this legislative day in memory and honor of Sam McKinney and respectfully joins with Representative James R. Comer, Jr., in expressing deepest sympathy to the McKinney Family and all those who share in the loss of this generous and beloved citizen who is survived by his beloved wife, Sandra; cherished children, Carolyn Hickerson, David Allen, David Paul Vicari, Donna Jewel, Tinkie Bloyd and Shenenne Froggett; thirteen grandchildren; seven great-grandchildren; and, a host of other family members and loved ones. Described by those closest to him as a good man who was deeply committed to those in need and who was always willing to "lend a hand or a dollar," to provide food for the hungry or shelter for the homeless, he was also a trader and true entrepreneur, operating Sam's Doghouse, the old-time general store at McKinney Corner in Greensburg, Kentucky, which is home to everything from lunch to the latest news, rumors and the annual Dog Trade Day, and the owner and operator, along with his wife, Sandra, of a Family Care Home that still provides a caring family environment for those in need. A leader in his community and in the Republican party, he is remembered on this day for the many and generous contributions he made to his family, his friends and the Commonwealth. Sam McKinney will be deeply missed by all those whose lives were touched by his remarkable presence. Done in Frankfort, Kentucky, this twenty-ninth day of March, in the year two thousand and four.

Legislative Citation No. 114 was adopted without objection.

Representative Pullin moved the adoption of the following **HR 260**:

HR 260, A RESOLUTION honoring the Russell High School Academic Team, 2004 Ashland Incorporated Governor's Cup State Champions.

WHEREAS, the Ashland Incorporated Governor's Cup is a statewide academic event that is unparalleled nationwide; and

WHEREAS, Governor's Cup academic areas include Future Problem Solving, Composition, Mathematics Written Assessment, Science Written Assessment, Social Studies Written Assessment, Language Arts Written Assessment, Arts and Humanities Written Assessment, and Quick Recall; and

WHEREAS, the Russell High School Academic Team advanced through local, district, and regional competitions before winning the state competition; and

WHEREAS, students from Russell High School competed against the best and brightest students from across the Commonwealth; and

WHEREAS, this is Russell High School's third Governor's Cup championship;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House of Representatives hereby honors and congratulates Russell High School Academic Team members Sutton Adams, Rosalyn Duvall, Peter Frailie, P.J. Huston, Philip Hutchinson, Erin Kazee, Monica Marks, Cayce Franz, Priya Jain, Damien Wilburn, Sarah Wood, Tyler Frailie, Brandon Fyffe, Jeremy Harbour, Andrew Heaberlin, Becca Sicking; David Williams, Kipp Mayne, and Holly Tate; and Cathy Pennington, Head Coach; John Burgess, Assistant Coach; Sharon Valentine, Assistant Coach; Kirk Barnett, Future Problem Solving Coach; Alice Leigh, Art/Humanities Coach; Joe Aldrich, Physics Coach; Susan Williams, Music/Humanities Coach; John Lynd, Social Studies Coach; James Arthur, Academic Coach; and Melissa Pennington, Academic Assistant.

Section 2. The members of this body join with Representative Tanya Pullin to wish the team and its members continued success in the future.

Section 3. The Clerk of the House of Representatives shall transmit a copy of this Resolution to Mr. Ronnie Back, Superintendent, Russell Independent Schools, 409 Belfont Street, Russell, Kentucky 41169 and to Mr. Derek Sean Howard, Principal, Russell High School, 709 Red Devil Lane, Russell, Kentucky 41169.

There being no objection, **HR 260** was adopted.

Representative Baugh moved the adoption of the following **Legislative Citation No. 123.**

The House of Representatives of the Commonwealth of Kentucky does hereby adjourn this legislative day in loving memory and honor of Lelia Chastain Cole of Trenton, Todd County, Kentucky, and joins with Representative Sheldon Baugh in expressing deepest sympathy to the Cole and Chastain Families and all who share in the profound loss on the passing of this esteemed civic leader. The daughter of the late John McAfee Chastain and Lotice Smith Chastain, she is survived by her beloved husband, Sheridan Lee Cole; cherished children, Chris and Shelley; siblings Smith, Mary and Edith; grandchildren, Sheridan, Sara, Davis and Connor; and, a host of other family members, friends and loved ones. This highly-regarded citizen, an educator with the Todd County School System who retired after thirty years of service; a former member of the Trenton City Council; a member of the Pleasant Grove Church of Christ and Delta Kappa Gamma Honor Society, who served on the Boards of the Todd County Board of Health, Sanctuary House, Big Brothers/Big Sisters and the United Way; and the co-founder of the Silver Triangle Main Street, is remembered on this day for the many and generous contributions she made to her family and community. Lelia Cole will be deeply missed by all those whose lives were touched by her remarkable presence. Done in Frankfort, Kentucky, this twelfth day of April, in the year two thousand and four.

Legislative Citation No. 123 was adopted without objection.

Representative Baugh moved the adoption of the following **Legislative Citation No. 124.**

The House of Representatives of the Commonwealth of Kentucky does hereby adjourn this legislative day in loving memory and honor of Charles Haddox Gill, Jr. of Allansville, Kentucky, and joins with Representative Sheldon Baugh in expressing deepest sympathy to the Gill Family and all who share in the profound loss on the passing of this esteemed civic leader. The son of the late Charles Haddox Gill, Sr. and Mildred Emily Tyler Gill, and also preceded in death by his grandson, Richard Gill, Jr., he is survived by his beloved wife, Sue Adkins Gill; cherished children, Charles III, Richard, Tyler and Charlotte; four grandchildren; and, a host of other family members, friends and loved ones. A highly regarded attorney who earned his law degree from Vanderbilt University, he had served as the attorney for the City of Elkton, Todd County, the Todd County School Board and the Todd County Water District; was a member of the Allensville Church of Christ, where he served as an elder and taught Sunday school; and was a U.S. Army veteran of World War II where he served with the 75th Infantry Division; and is remembered on this day for the many and generous contributions he made to his family, his community, the Commonwealth and this Nation. Charles Haddox Gill, Jr. will be deeply missed by all those whose lives were touched by his generous and remarkable presence. Done in Frankfort, Kentucky, this twelfth day of April, in the year two thousand and four.

Legislative Citation No. 124 was adopted without objection.

Representative Graham moved the adoption of the following **Legislative Citation No. 118.**

The House of Representatives of the Commonwealth of Kentucky hereby offers its sincerest congratulations to Robert S. "Bob" Boden upon the 23rd Anniversary of his 49th Birthday In celebration of this memorable event, the entire membership is delighted to join Representative Derrick W. Graham in commending Mr. Boden, a fifteen year employee of the Legislative Research Commission where he has worked in the House of Representatives, for a life lived to the fullest and for the vitality of spirit which has brought him thus far. Bob Boden is further recognized for his exceptional community leadership as a past president of the East Frankfort Kiwanis Club, the current sectional chairman and a past president of the Kentucky Golf Association and a faithful member and an elder at the First Christian Church in Frankfort, Kentucky. This distinguished body hereby extends best wishes to this highly-regarded recipient on the meaningful occasion of the 23rd Anniversary of his 49th birthday. Done in Frankfort, Kentucky, this thirty-first day of March, in the year two thousand and four.

Legislative Citation No. 118 was adopted without objection.

Representative Graham moved the adoption of the following **Legislative Citation No. 133.**

The House of Representatives of the Commonwealth of Kentucky hereby honors and commends the Peaks Mill Elementary School Academic Team for outstanding performance that resulted in this stellar academic team winning first place honors in both Future Problem Solving and Quick Recall and runner-up Overall honors in District 66 and runner-up honors in Future Problem Solving and first place honors in Quick Recall and Overall in Region 18 during the 2004 Ashland, Inc. Governor's Cup competition. Inasmuch as these bright and determined young members of the Peaks Mill Elementary School Academic

Team, under the skilled tutelage of academic team coaches Joe Lovell, Tish Smith, Christa Hockensmith and Stephanie Frazier, have contributed greatly to the tradition of educational excellence fostered by their school, the members of this august body are delighted to join Representative Derrick W. Graham in welcoming these remarkable young scholars, whose success throughout this challenging endeavor is a source of pride for their families, school and community, to the House Chamber to be recognized during the 2004 Regular Session of the Kentucky General Assembly. Done in Frankfort, Kentucky, this twelfth day of April, in the year two thousand and four.

Legislative Citation No. 133 was adopted without objection.

Representative Graham moved the adoption of the following **Legislative Citation No. 119**.

The House of Representatives of the Commonwealth of Kentucky hereby recognizes and honors Rotary District 6710 as leaders of the Rotary District's 6710, which includes fifty-nine Rotary clubs from Frankfort to Paducah, Kentucky, and its 3,700 members gather in Frankfort on April 16-18, 2004 to convene its Annual District Conference. The legislature commends these outstanding civic leaders for their immense contributions to improve the quality of life in Kentucky and worldwide. At the local level, these exemplary Rotarians have sponsored such programs as student scholarships, environmental efforts to enhance the natural beauty and preserve the fragile ecosystem and projects designed to combat poverty and illiteracy. At the international level, Rotarians have implemented outstanding programs, such as PolioPlus, in conjunction with the United Nations, to eliminate polio and childhood diseases by 2005 and to develop potable water programs. The members of this august body are pleased to join Representative Derrick W. Graham in congratulating them for their humanitarian service and in extending to them best wishes for a successful conference. Done in Frankfort, Kentucky, this twenty-ninth day of March, in the year two thousand and four.

Legislative Citation No. 119 was adopted without objection.

Representative S. Lee moved the adoption of the following **Legislative Citation No. 129**.

The House of Representatives of the Commonwealth of Kentucky does hereby adjourn this legislative day in loving memory and honor of Lance Corporal Nicholas James Dieruf and joins Representative Stan Lee in expressing deepest sympathy to the Dieruf Family and all who share in the tragic and untimely loss of this esteemed citizen and in saluting this exceptional individual for both the courage he exhibited and the sacrifices he made while serving his fellow man as an honorable member of the United States Marine Corps who was serving in Iraq in support of Operation Iraqi Freedom. Survived by his beloved wife, Emily Jane Duncan Dieruf; parents; three brothers; and, a host of other family members, friends, colleagues and loved ones, he was a 2000 graduate of Paul Laurence Dunbar High School, where he had been in the Spanish Club, the Photography Club and Campus Life, and was on his second tour of duty in Iraq as a member of the 1st Light Armored Reconnaissance Battalion of the 1st Marine Expeditionary Force based out of Camp Pendleton, California. For inasmuch as this valiant citizen made the supreme sacrifice to gain victory and ensure freedom, he has brought great honor to his family, friends, and all citizens of this great Commonwealth. It is with solemn pride that this distinguished body honors Lance Corporal Nicholas James Dieruf for the dignity he has enabled us to maintain in this Commonwealth and Nation and extends expressions of deepest gratitude for his contributions as a courageous member of the United States Armed Forces. Done in Frankfort, Kentucky, this twelfth day of April, in the year two thousand and four.

Legislative Citation No. 129 was adopted without objection.

Representative Collins moved the adoption of the following **HR 284**:

HR 284, A RESOLUTION adjourning the House of Representatives in loving memory and honor of Lucian Thomas "L. T." Hardin.

With deepest respect and admiration, we pay homage and tribute to Lucian Thomas "L. T." Hardin, and we pause in silent reverence for his soul.

WHEREAS, L. T. Hardin was born on July 2, 1930, a native of Martin County, Kentucky, and he traversed these earthly bounds on April 10, 2004; and

WHEREAS, L. T. Hardin was the loving son of the late William and Nollis Hardin; he was the devoted husband of Virginia "Jinny" Goble Hardin; he was the loving father of a son, Bart Hardin of Lexington, and two daughters, Joanie Hardin and Shelly Hardin, both of Inez; and he also leaves behind two loving sisters, Betty Frances Moheimer of Louisville and Lois Horn of Inez; and

WHEREAS, L. T. Hardin was an esteemed member of the Martin County community, where he was a member of the Inez

First Baptist Church; he was a retired employee of the Martin County Board of Education; and he served his constituents from House District 97 with pride and honesty, while representing Johnson, Lawrence, and Martin counties during the 1970, 1972, and 1974 sessions of the Kentucky General Assembly; and

WHEREAS, the passing of Lucian Thomas "L. T." Hardin has left a void that cannot be filled, and he is mourned across the length and breadth of the Commonwealth;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. The House of Representatives does hereby express its profound sense of sorrow upon the passing of Lucian Thomas "L. T." Hardin, and extends to his family and friends its most heartfelt sympathy.

Section 2. When the House of Representatives adjourns this day, it does so in loving memory and honor of Lucian Thomas "L. T." Hardin.

Section 3. The Clerk of the House of Representatives is hereby directed to transmit a copy of this Resolution to Representative Hubert Collins for presentation to the Hardin family.

There being no objection, **HR 284** was adopted.

On the roll call for co-sponsors of **HR 284** the vote was: **Yeas 89**. (See April 12, 2004, roll call to show co-sponsors on **HR 284** - Appendix.)

Representative Denham moved the adoption of the following **Legislative Citation No. 128.**

The House of Representatives of the Commonwealth of Kentucky does hereby adjourn this legislative day in loving memory and honor of James Everman and joins with Representative Mitchel Denham in expressing profound sympathy to the Everman Family and all those who share in the loss of this highly-regarded citizen. The son of the late Edwin Hawley and Orpha McNabb Everman, he was preceded in death by his cherished wife, Norma Yazell Everman, and siblings, Mary, Gene, Paul and Russ. He is survived by his beloved daughter, Sharleen; sister, Ruby; grandchildren, Kelly Jo and David; great-grandchildren, Amber, Michelle, Kayla, Emily, Paige and Landon; and, a host of other family members, friends and loved ones. This esteemed citizen, a former Chief of the Maysville Police Department who retired in 1978 after twenty years of service; the owner and operator of Everman's Grocery Store for twenty-six years; an honorable World War II veteran of the United States Army who fought at Omaha Beach and in the Battle of the Bulge; and, a dedicated member of the Fraternal Order of Police, the Maysville VFW and the First Christian Church, is remembered on this day for the many and generous contributions he made to his family, his community, and to this fine Commonwealth. James Everman will be deeply missed by all those whose lives were touched by his remarkable presence. Done in Frankfort, Kentucky, this twelfth day of April, in the year two thousand and four.

Legislative Citation No. 128 was adopted without objection.

Representative Pasley moved the adoption of the following **HR 273**:

HR 273, A RESOLUTION declaring the month of May 2004, as Motorcycle Awareness Month.

WHEREAS, the safe operation of a motorcycle requires the use of special skills developed through a combination of training and experience, the use of good judgment, and a thorough knowledge of traffic laws and licensing requirements; and

WHEREAS, Kentucky has 120,000 individuals who have valid operator and chauffeur licenses with a motorcycle endorsement; and

WHEREAS, it is especially important that the citizens of our state be aware of motorcycles on the highways and recognize the importance of motorcycle safety; and

WHEREAS, all motorcycle organizations, clubs, dealerships, groups, and highway officials in our state should join with the Kentucky Motorcycle Safety Program and the Kentucky Motorcycle Association in actively promoting safe operations, increased rider training, improved licensing efforts, and motorist awareness; and

WHEREAS, during the month of May 2004, all highway users should unite in the safe sharing of roadways throughout the Commonwealth of Kentucky; and

WHEREAS, this special Motorcycle Awareness Campaign also encourages other motor vehicle operators to be cautious and observe these motorcycles, especially during the seasonal return of motorcycles to the Commonwealth's streets and highways;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. The House of Representatives does hereby declare the month of May 2004, as Motorcycle Awareness Month, and we do hereby urge all citizens to develop a caring attitude toward sharing the road.

Section 2. The Clerk of the House of Representatives is hereby directed to transmit a copy of this Resolution to Representative Don Pasley for distribution to the proper authorities.

There being no objection, **HR 273** was adopted.

Representative Callahan moved the adoption of the following **HR 279**:

HR 279, A RESOLUTION recognizing the Newport Aquarium's First Annual Turtle Derby.

WHEREAS, the Newport Aquarium opened its doors in May of 1999, after ten years of planning; and

WHEREAS, the Newport Aquarium has attracted millions of visitors already since its opening, adding to the economic and educational vitality of the Northern Kentucky and Greater Cincinnati area; and

WHEREAS, the Newport Aquarium features over one million gallons of water occupying a space of 100,000 square feet and hosts 7,000 marine animals of 600 different species in 66 exhibits; and

WHEREAS, the Newport Aquarium has garnered national accolades in the presentation of its exhibits that spotlight the natural aquatic diversity in the Ohio River Valley as well as in other parts of the world; and

WHEREAS, the Newport Aquarium has been presenting "Turtles, Journey of Survival," which includes nine new exhibits showcasing 23 species of turtles, terrapins, and tortoises; and

WHEREAS, on May 1, 2004, the Newport Aquarium will host its first ever Annual Turtle Derby that will serve as the culminating event of the "Turtles, Journey of Survival" exhibit; and

WHEREAS, the First Annual Turtle Derby promises to be a wonderful and mirthful event as well as "the slowest two minutes in sports" as featured contestants "Pondbiscuit" and "Fabled Tortoise," both displaced reptiles in the care of Arrowhead Reptile Rescue, go claw-to-claw for victory in the Derby;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. The House of Representatives does hereby congratulate the Newport Aquarium on its astounding success as an integral part of the Northern Kentucky and Greater Cincinnati economic engine and as a superlative educational resource.

Section 2. The House of Representatives lauds the leadership and staff of the Newport Aquarium for their ingenuity in creating the many imaginative exhibits for the patrons of the aquarium and furthermore affirms that the First Annual Turtle Derby on May 1, 2004, will be yet another jewel in the crown of the Newport Aquarium, proving that education, conservation, and light-hearted fun can be contained in one package.

Section 3. The Clerk of the House of Representatives is directed to transmit a copy of this Resolution to Representative Jim Callahan for presentation to Dr. Tim Mullican, Executive Director of the Newport Aquarium.

There being no objection, **HR 279** was adopted.

Representative Brinkman moved the adoption of the following **HR 272**:

HR 272, A RESOLUTION adjourning the House of Representatives in honor of Jan Rowland upon being the recipient of the 2004 Woman Business Owner of the Year award.

WHEREAS, Jan Rowland earned her cosmetology license in 1960, after which time she developed the skills needed to be a salon manager, as well as an instructor; and

WHEREAS, Jan Rowland today is the successful manager and owner of six Hair Design Schools, four in Louisville, one in Radcliff, and one in Florence; and during her career, approximately 10,000 cosmetology students have trained under her supervision, and have started their own careers as salon owners, employees, or instructors; and

WHEREAS, during her 35 year career, Jan Rowland has focused on raising the image of cosmetology, increasing financial aid for students, and pushing legislation that would require continued education for cosmetologists; and

WHEREAS, Jan Rowland has served as the national president of the Board of Directors of the American Association of Cosmetology Schools; and in 2002, she was invited to be on a panel of small-business owners who talked with President Bush about issues of their industries; and

WHEREAS, Jan Rowland has earned industry awards, such as the Great Clips Cosmetology Educators of America Award for three consecutive years; the American Association of Cosmetology Schools Outstanding Man of the Year Award; and the National Cosmetology Association's Community Leadership Award for Outstanding Service; and

WHEREAS, Jan Rowland is the devoted wife of Bob Rowland; they have three daughters, and seven grandchildren, and they enjoy attending the grandchildren's recitals, swim meets, and ballgames; and they are avid University of Louisville fans, and delight in attending tailgate parties; and

WHEREAS, Jan Rowland is the recipient of the 2004 Woman Business Owner of the Year award, given by the Louisville chapter of the National Association of Women Business Owners;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. The House of Representatives is indeed honored and privileged to congratulate Jan Rowland upon being the recipient of the 2004 Woman Business Owner of the Year award. We applaud her for the distinction she has brought to our great Commonwealth, and we wish her continued success in all future endeavors.

Section 2. When the House of Representatives adjourns this day, we do so in honor of Jan Rowland.

Section 3. The Clerk of the House of Representatives is hereby directed to transmit a copy of this Resolution to Mrs. Jan Rowland, 1327 Leighton Circle, Louisville, Kentucky 40222.

There being no objection, **HR 272** was adopted.

Representative Riggs moved the adoption of the following **HR 274**:

HR 274, A RESOLUTION naming the Legislative Research Commission's own Jeff Fossett as Kentucky's Official International "Farscape" Ambassador.

WHEREAS, the Sci-Fi Channel's "Farscape" series follows the adventures of American astronaut John Crichton, who is catapulted to the distant edge of the universe where an intergalactic conflict rages, and his search for a way home which takes him to new worlds, an odyssey of courage for him and for viewers, a journey of the mind and heart; and

WHEREAS, the Sci-Fi channel has made a grievous error by canceling the "Farscape" series, one of the most creative and ground-breaking series seen on television; and

WHEREAS, the Legislative Research Commission's own Jeff Fossett is one of the "Farscape" program's most avid and knowledgeable supporters, as evidenced by his attendance at "Farscape" events and conventions, and his knowledge of "Farscape" episodes and trivia; and

WHEREAS, Jeff Fossett is uniquely suited to represent the Commonwealth of Kentucky and it's four million citizens as an advocate for the return of one of televisions most visionary science fiction adventures; and

WHEREAS, Jeff Fossett's enthusiasm for and knowledge of "Farscape" will enable him to lead the groundswell of public opinion, evidenced by letter writing and petition campaigns attempting to persuade the Sci-Fi channel to resume production of perhaps its most popular program;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. Jeff Fossett is hereby named Kentucky's Official International "Farscape" Ambassador; he is entitled to all honors and benefits associated with that office; and he may represent all Kentuckians in urging that "Farscape" be returned to the Sci-Fi Channel.

Section 2. The Clerk of the House of Representatives is directed to send a copy of this Resolution to Jeff Fossett, Capitol Annex, Room 24, Frankfort, Kentucky 40601, and to the Sci-Fi Channel, Universal Television, 1230 6th Avenue, New York, NY 10020.

There being no objection, **HR 274** was adopted.

Representative Pullin moved that the rules be suspended to introduce and act on a Resolution. Agreed.

Introduction of Bills and Resolutions

HR 285, by Representatives Pullin and Gooch: A RESOLUTION adjourning the House of Representatives in loving memory and honor of Kenneth W. Storey.

Motions, Petition, and Communications (Continued)

Representative Pullin moved the adoption of the following **HR 285**:

HR 285, A RESOLUTION adjourning the House of Representatives in loving memory and honor of Kenneth W. Storey.

With deepest respect and admiration, we pay homage and tribute to Kenneth W. Storey, and we pause in silent reverence for his soul.

WHEREAS, Kenneth W. Storey was born on October 18, 1936, a native of Norris City, Illinois, and longtime resident of Webster County, Kentucky, and he traversed these earthly bounds on April 9, 2004; and

WHEREAS, Kenneth W. Storey was the loving son of the late Clem and Marie Taylor Greenfield; he was the devoted husband of 43 years to Nancy Storey; he was the loving father of a son, Ken Storey, and the loving father-in-law of Celeste Storey; and he was the proud grandfather of a granddaughter, Taylor Storey, all of Sebree; and

WHEREAS, Kenneth W. Storey served his country with honor and distinction in the United States Army; and

WHEREAS, Kenneth W. Storey was an esteemed member of the Webster County community, where he was a member of the Sebree General Baptist Church; he was the previous owner and operator of Greenfield Furniture Company in Sebree for 26 years; he first served as deputy sheriff of Webster County for 14 years, and then was elected Sheriff of Webster County, a position he held from 1994 until 2003; and

WHEREAS, Kenneth W. Storey was a member of Bailey-Onton Masonic Lodge # 538 in Sebree, and he was a member of the Kentucky Sheriff's Association; and

WHEREAS, the passing of Kenneth W. Storey has left a void that cannot be filled, and he is mourned across the length and breadth of the Commonwealth;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. The House of Representatives does hereby express its profound sense of sorrow upon the passing of Kenneth W. Storey, and extends to his family and friends its most heartfelt sympathy.

Section 2. When the House of Representatives adjourns this day, it does so in loving memory and honor of Kenneth W. Storey.

Section 3. The Clerk of the House of Representatives is hereby directed to transmit a copy of this Resolution to Mrs. Nancy Storey, P. O. Box 68, Sebree, Kentucky 42455.

There being no objection, **HR 285** was adopted.

Representative Nesler moved the adoption of the following **HR 277**:

HR 277, A RESOLUTION adjourning the House of Representatives in loving memory and honor of Kenedy Brooke Ellegood.

WHEREAS, Kenedy Brooke Ellegood was born on November 17, 1993, and she traversed these earthly bounds on March 27, 2004; and

WHEREAS, Kenedy Brooke Ellegood was the loving daughter of Sherry Ann Ellegood of Fancy Farm, and her father and stepmother, Phillip and Tiffany Ellegood of Paducah; she was the loving sister of three sisters, Grace Ellegood and Sydney Ellegood, both of Paducah, and Raegen Ellegood of Fancy Farm; and she also leaves behind her grandparents, John and Rose Pendel of Fancy Farm, Bobbie and Sidney Edds of Paducah, and William and Pat Ellegood of Lowes; and her great-grandparents, Maria Pendel of Fancy Farm and Allard and Aunita Hayden of Fancy Farm; and

WHEREAS, Kenedy Brooke Ellegood was a member of St. Jerome Catholic Church in Fancy Farm; she was a well-liked fourth-grade student at Fancy Farm Elementary School, where she played on the basketball and softball teams; and

WHEREAS, in the aftermath of this tragedy, we are reminded of the grief and suffering afflicted upon the family and friends of Kenedy Brooke Ellegood, how precious she was to her loved ones, and how her loved ones have been denied the opportunity of witnessing her reach her full potential; and

WHEREAS, the passing of Kenedy Brooke Ellegood has left a void that cannot be filled, and she is mourned across the length and breadth of the Commonwealth;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. The House of Representatives does hereby express its profound sense of sorrow upon the passing of Kenedy Brooke Ellegood, and extends to her family and many friends its most heartfelt sympathy.

Section 2. When the House of Representatives adjourns this day, it does so in loving memory and honor of Kenedy Brooke Ellegood.

Section 3. The Clerk of the House of Representatives is hereby directed to transmit copies of this Resolution to Mrs. Sherry Ann Ellegood, 168 State Route 339S, Fancy Farm, Kentucky 42039; and to Mr. and Mrs. Phillip Ellegood, 673 Lecky Road, Calvert City, Kentucky 42029.

There being no objection, **HR 277** was adopted.

Representative Barrows moved the adoption of the following **HR 275**:

HR 275, A RESOLUTION adjourning the House of Representatives in honor of Jim Owen Gaines.

WHEREAS, Jim Owen Gaines is a native son of the Commonwealth of Kentucky; and

WHEREAS, Jim Owen Gaines was elected as property valuation administrator of Woodford County in 1965, and has served without an interruption in his tenure in that office; and

WHEREAS, Jim Owen Gaines served as president of the Property Valuation Administrators Association in 1977-1978, having previously served as vice president of the association in 1968; and

WHEREAS, during his service with the Property Valuation Administrators Association Jim Owen Gaines was instrumental in the passage of "House Bill 44"; and

WHEREAS, Jim Owen Gaines has been recognized as Property Valuation Administrator of the Year; and

WHEREAS, Jim Owen Gaines has served his community as an active member of the Versailles Lions Club for more than 40 years; and

WHEREAS, Jim Owen Gaines has served the farming community through his membership in the Woodford County Farm Bureau and has served as director in that organization; and

WHEREAS, Jim Owen Gaines is a long-time faithful member of the Versailles First Christian Church; and

WHEREAS, Jim Owen Gaines is the loving father of Donna Kay Gaines, Marilyn "Dee Dee" Roach, and Linda Tipton; and

WHEREAS, Jim Owen Gaines was the loving husband of the late Doris Ethelyn Smith Gaines for over 52 years; and

WHEREAS, in January of 2004, Jim Owen Gaines retired as Woodford County Property Valuation Administrator, a position which he held and executed faithfully and steadfastly for 39 years;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. The House of Representatives does hereby acknowledge Jim Owen Gaines' faithful service to the citizens of Woodford County and to the citizens of the Commonwealth of Kentucky through his remarkable 39 year tenure as Woodford County Property Valuation Administrator, from which he retired in January of 2004.

Section 2. That when the House of Representatives adjourns this day, it shall do so in honor of Jim Owen Gaines and his service to the citizens of the Commonwealth.

Section 3. The Clerk of the House is directed to transmit five copies of this Resolution to Mr. Jim Owen Gaines, 117 South Hill Road, Versailles, Kentucky 40383.

There being no objection, **HR 275** was adopted.

Representative Napier moved the adoption of the following **Legislative Citation No. 117**.

The House of Representatives of the Commonwealth of Kentucky hereby recognizes and honors the University of Kentucky College of Law Legal Clinic for providing legal assistance to the poor and indigent of Fayette and the surrounding counties, handling small tort claims, wills and no-contest divorces. Directed by former Chief Public Advocate for the State of Kentucky, Allison Connelly, the clinic is completely run by students who receive credit hours for their efforts from the U.K. College of Law. While many of the cases handled by the clinic are settled out of court, when they do go to trial, students represent their clients in the presence of Professor Connelly under the Kentucky Supreme Court's third-year practice rule which permits qualified students to appear before the bar in the presence of another attorney. The members of this honorable body are pleased to join Representative Lonnie Napier in praising all those who have contributed to the generous efforts of the U.K. Legal Clinic to serve those citizens who could not otherwise afford legal services. Done in Frankfort, Kentucky, this twenty-ninth day of March, in the year two thousand and four.

Legislative Citation No. 117 was adopted without objection.

Introduction of Bills and Resolutions (Continued)

HR 286, by Representative Horlander: A RESOLUTION adjourning the House of Representatives in loving memory and honor of Lynda Marie Cunningham.

HR 287, by Representative Pullin: A RESOLUTION requesting the Office for the New Economy to study state-owned resources relating to broadband and cellular phone services and opportunities for public-private partnerships.

Motions, Petitions, and Communications (Continued)

Representative Westrom moved that the rules be suspended for the purpose of recording votes. Agreed.

Representative Westrom moved that she be recorded as voting "yea" on **SB 246, 96, 184, 245, 273,** and **225**. Agreed.

Representative Westrom moved that the rules be suspended for the purpose of recording votes. Agreed.

Representative Westrom moved that she be recorded as voting "nay" on House Floor Amendment No. 1 and House Floor Amendment No. 4 to **SB 95**. Agreed.

Representative Adkins moved that the rules be suspended for the purpose of recording a vote. Agreed.

Representative Adkins moved that he be recorded as voting "yea" on the motion to table Senate Floor Amendment No. 1 to **HB 97**. Agreed.

Representative Adkins moved that the rules be suspended for the purpose of recording votes. Agreed.

Representative Adkins moved that he be recorded as voting "nay" on **HB 371, 427, 611, 495,** and **SB 79**. Agreed.

Representative P. Clark moved that the rules be suspended for the purpose of recording a vote. Agreed.

Representative P. Clark moved that his vote be changed from "nay" to "yea" on **HCR 17**. Agreed.

Floor Amendments

House Floor Amendment No. 2 to the House Committee Substitute to **SB 179**, by Representative Jenkins:

SB 179, On page 1, line 8, after "*older*", by inserting "*, because obesity leads to higher rates of diabetes, heart disease, strokes, and kidney failure. These diseases often arise in older age as a result of unhealthly lifestyles that began during the person's youth and place a financial burden on individuals, families, employers, the health care industry, and state health care programs*";

On page 1, line 10, after "*older*", by inserting "*, because the percentage of adults in Kentucky who are obese exceed the national average*";

On page 1, line 12, after "*adolescents*", by inserting "*, because the percentage of children and adolescents in Kentucky who are obese exceed the national average*";

On page 2, line 25, after "*it*", by inserting "*, and encourage excellent dental health for Kentucky's children who are experiencing a high incidence of tooth decay and other dental problems*";

On page 5, line 8, after "*plan*" by inserting "*, and who may offer information to the commission regarding the implementation of Section 3 of this Act*";

On page 6, line 9, by deleting "*and*";

On page 6, line 12, by deleting "*.*" and inserting "*; and*" in lieu thereof;

On page 6, after line 12, by inserting the following:

"*(n) Assess the effectiveness of, and make policy recommendations that may include modifications of, Section 3 of this Act to the General Assembly.*";

On page 6, line 16, after "*commission.*" by inserting "*The commission may create a subcommittee to monitor the implementation of Section 3 of this Act.*";

On page 7, between lines 4 and 5, by inserting the following:

"SECTION 3. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO READ AS FOLLOWS:

(1) During the period of time between the arrival of the first student at the school building and the end of the last instructional period, a school shall not sell the following food items through vending machines, school stores, canteens, or fundraisers by students, teachers, or other groups: chewing gum; water ices as defined in 7 C.F.R. Part 210; any food item that contains more than forty percent (40%) added sugar by weight; or other food items, except seeds and nuts, that contain more than six (6) grams of fat per serving.

(2) A school may offer for a la carte sale on the cafeteria line only those food items that meet the U.S. Department of Agriculture standards for a breakfast or lunch component, using the food-based or enhanced food-based menu planning method, except that frozen desserts that contain at least twenty-five percent (25%) real juice, yogurt, and dairy products may be offered.

(3) Nothing in this section shall be construed to prohibit or limit the sale of any food or beverage item to teachers, administrators, or other adult school employees in a separate area that is not accessible to students."; and

By renumbering the subsequent section accordingly.

House Floor Amendment No. 2 to **SB 139**, by Representative Barrows:

SB 139, On page 1, line 1, by deleting Section 1 in its entirety and inserting the following in lieu thereof:

"Section 1. KRS 67A.345 is amended to read as follows:

(1) All members of the policemen's and firefighters' retirement fund of the urban-county government, operated pursuant to KRS 67A.360 to 67A.690, and all members of the urban-county government city employees pension fund who retired prior to July 1, 1999, and who did not terminate their participation in the group health insurance plan provided by the urban-county government before that date, and all members who retire on or after July 1, 1999, or who ***prior to September 18, 2002, withdrew***~~[withdraw]~~ from service on a certificate pursuant to KRS 67A.410(2), shall continue to be eligible to participate, at the member's cost, in a group health insurance plan approved by the urban-county council for such retirees.

(2) The urban-county government shall provide, on behalf of all eligible members of the policemen's and firefighters' retirement fund and city employees pension, the following benefits:

(a) A sum equal to the single premium for the plan coverage selected by the retiree, but not more than one hundred percent (100%) of the urban-county government's contribution to the health insurance component of the benefit pool for current urban-county government employees; and

(b) Upon the death of a member of the policemen's and firefighters' retirement fund due to occupational causes, the urban-county government shall pay to the approved provider of the group health insurance plan one hundred percent (100%) of the cost of the family medical coverage for the member's surviving spouse and dependent children as long as they remain eligible for a monthly retirement allowance from the retirement fund.

(3) No benefits shall be available under this section to retired members who were not, immediately prior to July 1, 1999, participants in the group health insurance plan coverage provided to urban-county government employees and retirees or who retire on or after July 1, 1999, and, at the time of their retirement, do not elect to participate in the group health insurance plan coverage provided pursuant to subsection (1) of this section.

(4) Benefits shall be available under this section to members of the policemen's and firefighters' retirement fund who withdraw from service on a certificate pursuant to KRS 67A.410(2) when they ***retire on service as provided in Section 4 of this Act or*** attain the age of forty-six (46) years if, at the time they withdraw from service, they elect to participate in the group health insurance plan coverage provided pursuant to subsection (1) of this section upon attaining age forty-six (46).

(5) All payments shall be made to the approved provider of the group health insurance plan, not to the retiree, and the retiree shall not be entitled to receive any portion of the government contribution remaining after payment is made to the approved provider.

(6) Group rates under the group health insurance plan approved by the urban-county council under subsection (1) of this section shall be made available to the spouse, dependents, and disabled children, regardless of the disabled child's age, of a qualified and participating retiree, if the premium for the spouse, dependent, or disabled child is paid by the retired member, spouse, dependent, or disabled child, by payroll deduction or similar method.";

On page 5, line 19, by deleting Section 4 in its entirety and inserting the following in lieu thereof:

"Section 2. KRS 67A.410 is amended to read as follows:

(1) Any member may, at his option, retire on a service retirement annuity upon or after attainment of the age of forty-six (46) years, if he shall have completed at least twenty (20) years of total service. Upon fulfillment of these terms, the board shall grant the retirement annuity upon receipt of the application of the member.

(2) Any member who withdraws from service prior to age forty-six (46) years after having completed at least twenty (20) years of total service, and who does not accept a refund of contributions, shall receive, upon application, a certificate entitling him to a service retirement annuity upon his attainment of age forty-six (46) and specifying the amount of the annuity earned and accrued at the date of withdrawal from service.

(3) Upon the death, prior to age forty-six (46), of a member holding a certificate granted pursuant to subsection (2) of this section, the surviving spouse shall receive an annuity equal to sixty percent (60%) of the annuity specified on the certificate, subject to the conditions and additional benefits found in KRS 67A.450(1)(a), 67A.450(1)(b), 67A.450(2), and 67A.450(3).

(4) The benefits provided in KRS 67A.600 and 67A.690 to an eligible member who retires or withdraws from service under the provisions of subsection (1) or (2) of this section after July 15, 1994, or to the member's surviving spouse or dependent children, shall be calculated when the member is retired for one (1) year or attains the age of forty-seven (47), whichever is later, or would have been retired for one (1) year or reached the age of forty-seven (47), whichever is later, if the member died before being retired one (1) year or reaching the age of forty-seven (47).

(5) ***Any member of the fund on the effective date of this Act shall be eligible***~~[On or before March 3, 2003, the board shall provide for a vote by the full active membership on a provision that would allow members]~~ to retire with full benefits after twenty (20) years of total service, regardless of age.~~[If a majority of the active membership voting votes in favor of a twenty (20) year service provision, the urban-county government, in coordination with the board, shall enact the twenty (20) year service~~

~~provision within a period of six (6) months. Notwithstanding any statute to the contrary, any member retiring after the enactment of the twenty (20) year service provision, if enacted, shall be eligible to retire with twenty (20) years of service regardless of age.~~];

On page 6, line 24, by deleting Section 5 in its entirety;

On page 7, line 12, after "Section" by deleting "6" and inserting "5" in lieu thereof;

On page 8, line 23, after "Section" by deleting "7" and inserting "6" in lieu thereof; and

On page 10, line 2, after "Section" by deleting "8" and inserting "7" in lieu thereof.

House Floor Amendment No. 3 to **SB 186**, by Representative Wayne:

SB 186, On page 2, after line 8, by inserting the following:

"SECTION 2. A NEW SECTION OF KRS CHAPTER 216B IS CREATED TO READ AS FOLLOWS:

Notwithstanding any provision of law to the contrary, as used in KRS 216B.015, 216B.020, 216B.040, 216B.095, 216B.330, 216B.332, 216B.335, and 216B.339, "continuing care retirement community" means a community that provides, on the same campus, a continuum of residential living options and support services to persons sixty (60) years of age or older under a written agreement. The residential living options shall include at least one (1) independent living unit, plus nursing home beds, and either assisted living units or personal care beds.".

House Floor Amendment No. 7 to **SB 153**, by Representative Wayne:

SB 153, On page 815, between lines 10 and 11, by inserting the following:

"SECTION 649. A NEW SECTION OF KRS CHAPTER 216B IS CREATED TO READ AS FOLLOWS:

Notwithstanding any provision of law to the contrary, as used in KRS 216B.015, 216B.020, 216B.040, 216B.095, 216B.330, 216B.332, 216B.335, and 216B.339, "continuing care retirement community" means a community that provides, on the same campus, a continuum of residential living options and support services to persons sixty (60) years of age or older under a written agreement. The residential living options shall include at least one (1) independent living unit, plus nursing home beds, and either assisted living units or personal care beds."; and

By renumbering the subsequent sections accordingly.

House Floor Amendment No. 3 to **SB 139**, by Representative Barrows:

SB 139, On page 6, line 24, by deleting Section 5 in its entirety;

On page 7, line 12, after "Section" by deleting "6" and inserting "5" in lieu thereof;

On page 8, line 23, after "Section" by deleting "7" and inserting "6" in lieu thereof; and

On page 10, line 2, after "Section" by deleting "8" and inserting "7" in lieu thereof.

House Floor Amendment No. 4 to the House Committee Substitute No. 2 to **SB 251**, by Representative Moberly:

SB 251, On page 19, line 27 before "*Seven*" by inserting "***For taxable years ending before January 1, 2007,***"; and

On page 20, line 1, after "*($100,000)*" by inserting "***, and for taxable years beginning on or after January 1, 2007, six percent (6%) of taxable net income over one hundred thousand dollars ($100,000)***".

Motions, Petitions, and Communications (Continued)

The following members filed requests to have their names added as co-sponsors of a Resolution:

HR 286, Representatives Miller, Nunn, Simpson, J. Adams, Burch, Baugh, Reinhardt, Westrom, Walton, Marcotte, Siler, Dw. Butler, J. Thompson, Embry, Wayne, Meeks, Moberly, J. Lee, Pasley, Yonts, McKee, Marzian, L. Clark, Hoffman, Upchurch, A. Smith, Gooch, Collins, Harper, Couch, Weaver, Cornett, B. Smith, Fischer, Harmon, Gray, Palumbo, T. Thompson, S. Lee, Nelson, Brinkman, Bratcher, Rasche, Damron, Belcher, Ballard, Callahan, De. Butler, J. Arnold, Geveden, Cherry, DeWeese, Stewart, Hall, Denham, Montell, Webb, Barrows, Adkins, Stacy, Feeley, Stein, Crall, Thomas, Riggs, Crenshaw, Pullin, Draud, Rand, Napier, Sims, Vincent, Lindsay, Wilkey, P. Clark, Coleman, and Bruce

Adjournment

Representative Adkins moved that when the House does adjourn it does so until 9:30 a.m., Tuesday, April 13, 2004. Agreed.

Representative Adkins moved that the House adjourn.

The motion that the House adjourn until 9:30 a.m., Tuesday, April 13, 2004, was adopted by voice vote.

MONDAY, APRIL 13, 2004

SIXTIETH LEGISLATIVE DAY

The House was called to order by Speaker Richards.

Prayer by Pastor Jerry Stevenson, Midland Church of Christ, Louisville, Kentucky.

The Speaker led the members in the Pledge of Allegiance to the Flag.

The roll was called. All members present except Representatives R. Adams and Crimm.

Representative Ballard moved that the absent members be granted leave of absence in accordance with the rules of the House. Agreed.

Representative Ballard moved that the reading of the Journal of April 12, 2004, be dispensed with and the same approved. Agreed.

Representative Ballard moved that the Rules be suspended for the purpose of making a motion concerning co-sponsors. Agreed.

Representative Ballard moved that all properly filed co-sponsor requests be approved. Agreed.

Report On Enrolled Bills

HB 96, 135, 305, 342, 398, 406, 427, 447, 517, 571, 609, 685, HCR 27, 190, HJR 207, 218, and **HB 396** delivered to the Senate and signed by the President. Delivered to the Governor on April 13, 2004 at 2:30 p.m.

Representative Adkins moved that the rules be suspended to act upon Legislative Citations. Agreed.

Representative Adkins moved the adoption of the following **Legislative Citation No. 136.**

The House of Representatives of the Commonwealth of Kentucky hereby offers its sincerest praise to Representative Paul Bather as he departs from this chamber following over four years of dedicated service as the respected Representative from District 43. A graduate of Fairfield University in Connecticut, the City University of New York, and the University of Louisville, Representative Bather is a respected mortgage banker for Guardian Mortgage and President and CEO of the Bather Group and currently serves as the vice chair of both the Banking and Insurance and the Health and Welfare Committees. Throughout his tenure as a State Representative, this distinguished gentleman has consistently advocated on the side of fairness and equality, lending a wise perspective and compassionate voice in the midst of heated debates and continually representing the interests of those he was elected to serve with great knowledge, vision, and integrity. In recognition of his honorable service, he has been named the well-deserving recipient of numerous high accolades, including the Lena Coleman Award, the G.K. Offult/C. Eubank Tucker Award, the NAACP Freedom Award, the Stand UP Award, and the NAACP Community Service Award. In recognition of the tireless hard work and commitment that he has put forth on behalf of his fellow citizens, the members of the Kentucky House of Representatives do hereby join with Speaker Jody Richards in expressing deepest appreciation to The Gentleman from Jefferson 43 for his service and in extending to him best wishes for continued prosperity and success in all his future endeavors. Done in Frankfort, Kentucky, this twelfth day of April, in the year two thousand and four.

Legislative Citation No. 136 was adopted without objection.

Representative Weaver moved the adoption of the following **Legislative Citation No. 138.**

The House of Representatives of the Commonwealth of Kentucky hereby offers its sincerest gratitude to Representative Jodie Haydon for his years of service as a member of this august body, representing the 50th District of Bullitt, Nelson, and Spencer Counties. A graduate of Bellarmine College, this distinguished gentleman has a long and impressive career in public service, serving as a member of the Flaget Memorial Hospital Board and as its chairman for the past eight years; as a four-year member of the Nelson County Planning Commission; as a past Grand Knight with the Knights of Columbus Council 1290; as Co-Chair of the Nelson County St. Catherine College Fund Drive; as President of the Nelson County Bellarmine College Alumni Association; as a past Director of the Pine Mountain Settlement School; and, as a member of the Bardstown Transportation Planning Committee, the Kentuckians for Better Transportation Board, the Nelson County Chamber of Commerce, the Nazareth Village Board, the Wilson/Muir Bank Board, the Optimist Club, St. Joseph Church's Finance Committee, the Veterans of Foreign Wars, and the American Legion. In addition, he is an honored veteran of the Vietnam War who served as a member of C Battery, 138th Field Artillery, a Kentucky National Guard Unit stationed at Fire Base Tomahawk in the Republic of Vietnam. During his tour of duty in support of his country, he survived an attack on his unit on June 19, 1969, when the Fire Base was overrun by a North Vietnamese Army unit who killed seven American servicemen. As a member of the General Assembly, he currently lends his leadership and expertise as the Vice-Chair of both the Seniors, Military Affairs, and Public Safety Committee and the Tourism Development and Energy Committee and as the Co-Chair of the Capitol Projects and Bond Oversight Committee. The members of this august body are deeply honored to join Speaker Jody Richards and Representative Mike Weaver in expressing profound appreciation to this most respected colleague for his years of service and in extending to him best wishes for success and good fortune in all his future endeavors. Done in Frankfort, Kentucky, this twelfth day of April, in the year two thousand and four.

Legislative Citation No. 138 was adopted without objection.

Representative Palumbo moved the adoption of the following **Legislative Citation No. 135**.

The House of Representatives of the Commonwealth of Kentucky hereby offers its sincerest praise to Representative Jack L. Coleman, Jr. for the dedication and integrity with which he has served the citizens of Mercer, Anderson and Spencer Counties during his fourteen-year tenure as a member of the Kentucky House of Representatives. The highly-respected owner of Coleman Lumber Yard, Representative Coleman is an honored alumnus of Eastern Kentucky University. He served his community as a member of the Mercer County Chamber of Commerce and the Burgin Independent School Board. In service to this body, he was Chairman of the powerful Program Review Committee where he was dedicated to consumer protection. He became a scholar on the issue of Medicaid as he tackled the issues of waste, fraud and abuse within that budget. Inasmuch as The Gentleman from Mercer 55 has continually given voice to the concerns of the citizens of his district and of this fine Commonwealth, the members of this august body are deeply honored to join Speaker Jody Richards in extending highest regard and esteem for the many and generous contributions that he has made as a legislator in the Kentucky General Assembly. We offer our best wishes for his prosperity and success in all future endeavors. Done in Frankfort, Kentucky, this twelfth day of April, in the year two thousand and four.

Legislative Citation No. 135 was adopted without objection.

Representative Adkins moved the adoption of the following **Legislative Citation No. 134**.

The House of Representatives of the Commonwealth of Kentucky hereby offers its sincerest praise to Representative Jim Callahan upon the occasion of his imminent retirement as an esteemed member of this honorable legislative body. Having faithfully served the citizens of Campbell County, Kentucky, since his election, this distinguished graduate of Thomas More College is a former Mayor of the City of Southgate, Kentucky, and a former Southgate City Councilman. He was elected by his peers to serve as the Majority Caucus Chair in the House of Representatives and has with great integrity and honor from 1995 until the present. In addition to his contributions to the democratic process as a member of this body, he is a member of the Board of Directors of the Boys/Girls Club of Campbell County, the Northern Kentucky Convention and Visitors Bureau, the Covington Business Council, the Optimist Club, and, the Monsignor Lear Knights of Columbus. In tribute to his years of public service, he has been awarded the Man of the Year Award from the Disabled American Veterans and a Certificate of Appreciation from the Boys Club of America and is a member of the Newport Catholic Grade School Hall of Fame. Inasmuch as this distinguished gentleman has served with such sincerity those citizens whom he was elected to represent, the members of this most august body do hereby join Speaker Jody Richards in expressing sincerest appreciation for the distinctive voice that Representative Jim Callahan has so consistently lent this body and in extending to him enthusiastic best wishes for many landmarks of success in the future. Done in Frankfort, Kentucky, this twelfth day of April, in the year two thousand and four.

Legislative Citation No. 134 was adopted without objection.

Representative Hoover moved the adoption of the following **Legislative Citation No. 137**.

The House of Representatives of the Commonwealth of Kentucky hereby extends deepest sentiments of appreciation and esteem to Representative Charles R. Walton as he steps down as The Gentleman from Boone 66 after an outstanding eleven-year tenure in the Kentucky House of Representatives. An honored graduate of Eastern Kentucky University, Northern Kentucky University, and Xavier University, Representative Charlie Walton is the respected principal at Florence Elementary School; a Sunday School teacher; a member of the Kentucky Baptist House for Children Board of Directors; and, an active member of the National Science Teacher Association. This distinguished gentleman was elected by his fellow citizens in 1993 to represent the interests of the 66th District; was chosen by his colleagues to serve a term as the House Minority Whip in 1995; and, currently lends his wisdom and expertise as the Vice-Chair of the Education Committee. In recognition of the continued vision and integrity that Representative Walton has consistently demonstrated as a member of this body, the members of the Kentucky House of Representatives are deeply honored to join Representative Jeffrey Hoover in enthusiastically applauding the profound contributions of their esteemed colleague and in wishing for him continued prosperity and success in the future. Done in Frankfort, Kentucky, this twelfth day of April, in the year two thousand and four.

Legislative Citation No. 137 was adopted without objection.

Representative Hoover announced that Governor Fletcher has appointed Representative Crall as Deputy Secretary of Executive Cabinet.

Representative Adkins moved that the rules be suspended to grant floor privileges and to act upon a Legislative Citation. Agreed.

Representative Adkins moved the adoption of the following **Legislative Citation No. 127**.

The House of Representatives of the Commonwealth of Kentucky hereby recognizes and honors the Legislative Research Commission Interns serving during the 2004 Regular Session of the Kentucky General Assembly, for exhibiting exceptional skill, knowledge and dedication in support of Kentucky's legislature. These outstanding scholars from some of the finest colleges and universities in the Commonwealth and surrounding regions are commended for demonstrating excellence in the performance of their duties and enthusiasm in developing a thorough understanding of the legislative process. The members of this honorable body are delighted to join Representative Rocky Adkins in expressing deep appreciation to these fine young Kentuckians for their impressive contributions to this most worthwhile and complex process. Done in Frankfort, Kentucky, this twelfth day of April, in the year two thousand and four.

Legislative Citation No. 127 was adopted without objection.

Representative Coleman moved the adoption of the following **HR 280**:

HR 280, A RESOLUTION honoring Charles "Pat" Patrick.

WHEREAS, Charles "Pat" Patrick is a native son of the Commonwealth of Kentucky, and a resident of Harrodsburg; and

WHEREAS, Charles "Pat" Patrick has served Representative Jack Coleman as an intern in the 2002, 2003, and 2004 Regular Sessions of the General Assembly; and

WHEREAS, Charles "Pat" Patrick has distinguished himself through his thorough understanding of the legislative process; and

WHEREAS, Charles "Pat" Patrick has taken this knowledge, applied it, and proven himself as an able aide to the Legislature, while at the same time earning the respect of the many legislators who have come to know him and value his work; and

WHEREAS, Charles "Pat" Patrick, furthermore, has assumed a leadership role in his capacity as an experienced intern, orienting new interns, when asked, as to their duties and responsibilities;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. The House of Representatives does hereby commend Charles "Pat" Patrick for his sterling service not only to Representative Jack Coleman, but to the many members of the House who have come to depend upon his exemplary work.

Section 2. The House of Representatives extends its best wishes to Charles "Pat" Patrick as he embarks on what promises to be a most prosperous future, and acknowledges that, given his peerless performance with the Legislature, his future will bear the fruit of manifold successes in all that he endeavors.

Section 3. The Clerk of the House of Representatives is directed to transmit a copy of this Resolution to Representative Jack Coleman for presentation to Charles "Pat" Patrick.

There being no objection, **HR 280** was adopted.

On the roll call for co-sponsors of **HR 280** the vote was: **Yeas 97**. (See April 13, 2004, roll call to show co-sponsors on **HR 280** - Appendix.)

Representative Graham moved that the rules be suspended to grant floor privileges and to act upon a Legislative Citation. Agreed.

Representative Graham moved the adoption of the following **Legislative Citation No. 122**.

The House of Representatives of the Commonwealth of Kentucky hereby recognizes and honors Irv Gershman and joins with Representative Derrick W. Graham in commending this esteemed Frankfort statesman whose contributions to the community as a business leader and active member of numerous civic organizations have been deeply appreciated by the citizens of the community. A veteran of World War II who entered the military immediately following his graduation from Frankfort High School, Irv Gershman is praised for having continued to put forth great effort on behalf of his fellow citizens, most recently volunteering his time during the 2004 Regular Session of the Kentucky General Assembly to serve as an ambassador for Frankfort, Kentucky. This distinguished body hereby extends sincere expressions of appreciation to Irv Gershman for his generous contributions and offers warmest wishes as this outstanding citizen celebrates his birthday, on April 15, 2004, with family and friends. Done in Frankfort, Kentucky, this twelfth day of April, in the year two thousand and four.

Legislative Citation No. 122 was adopted without objection.

Representative Horlander moved the adoption of the following **HR 286**:

HR 286, A RESOLUTION adjourning the House of Representatives in loving memory and honor of Lynda Marie Cunningham.

With deepest respect and admiration, we pay homage and tribute to Lynda Marie Cunningham, and we pause in silent reverence for her soul.

WHEREAS, Lynda Marie Cunningham was born on May 30, 1957, a native of Louisville, Jefferson County, Kentucky, and she traversed these earthly bounds on April 13, 1995; and

WHEREAS, Lynda Marie Cunningham was the loving daughter of Anthony W. Stauble and the late Mary Sherrill O'Bryan Stauble; she was the devoted wife of 15 years to Thomas Kevin Cunningham; she was the proud and loving mother of two sons, Christopher Patrick Cunningham, who is serving as an intern for Representative Dennis Horlander, and Joseph Anthony Cunningham, and a daughter, Colleen Marie Cunningham; and she also leaves behind three loving brothers, David Anthony Stauble, John Scott Stauble, and Jeffrey Lee Stauble, and two loving sisters, Carol Jean Goose and Sharon Stauble-Smith; and

WHEREAS, Lynda Marie Cunningham graduated from Our Mother of Sorrows Catholic School, where she was a member of the Girl Scouts of America; she graduated from Assumption Catholic High School in 1975, where she met her two closest friends, Christy Thieman Yates and Cheri Bradford Abell; and she graduated from the Jefferson Community College School of Nursing in 1980; and

WHEREAS, Lynda Marie Cunningham had an esteemed professional career in nursing, which included positions as a surgical nurse at Methodist Evangelical Hospital, as a pediatric nurse at Pediatric Associates of Louisville, and as a visiting nurse specializing in newborn care at Caretenders Inc.; and

WHEREAS, a life spent worthily should be measured by deeds, not years, and through her compassion, self-sacrifice, enthusiasm, and genuine love and concern for her family, friends, and her fellow man, Lynda Marie Cunningham is worthy of the highest commendation; and

WHEREAS, the passing of Lynda Marie Cunningham has left a void that cannot be filled, and she is mourned across the length and breadth of the Commonwealth;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. The House of Representatives does hereby express its profound sense of sorrow upon the passing of Lynda Marie Cunningham, and extends to her family and many friends its most heartfelt sympathy.

Section 2. When the House of Representatives adjourns this day, it does so in loving memory and honor of Lynda Marie Cunningham.

Section 3. The Clerk of the House of Representatives is hereby directed to transmit 15 copies of this Resolution to Representative Dennis Horlander for presentation to the family of Lynda Marie Cunningham.

There being no objection, **HR 286** was adopted.

Introduction of Bills and Resolutions

HR 288, by Representative Upchurch: A RESOLUTION adjourning the House of Representatives in loving memory and honor of Milford Owen Anderson.

HR 289, by Representative Adkins: A RESOLUTION honoring President Ronald G. Eaglin upon his retirement as the President of Morehead State University.

HR 290, by Representative Richards: A RESOLUTION honoring Representative Jim Callahan upon the occasion of his retirement from the House of Representatives.

HR 291, by Representative Richards: A RESOLUTION honoring Representative Paul Bather upon the occasion of his retirement from the House of Representatives.

HR 292, by Representative Richards: A RESOLUTION adjourning the House of Representatives in honor of Representative Jodie Haydon upon the occasion of his retirement.

HR 293, by Representative Richards: A RESOLUTION honoring Representative Jack Coleman upon the occasion of his retirement from the House of Representatives.

HR 294, by Representative Richards: A RESOLUTION adjourning the House of Representatives in honor of Representative Charlie Walton upon the occasion of his retirement from this august body.

HR 295, by Representative Stein: A RESOLUTION affirming the House of Representatives' appreciation of ethnic diversity in the Commonwealth of Kentucky.

Representative Walton moved the adoption of the following **Legislative Citation No. 139**.

The House of Representatives of the Commonwealth of Kentucky does hereby adjourn this legislative day in loving memory and honor of Reverend Jerome C. Britt and joins with Representative Paul Marcotte and Representative Charlie Walton in expressing deepest sympathy to all who share in the profound loss on the passing of this esteemed citizen who served as the Pastor and former Administrator of Immaculate Heart of Mary Church in Burlington, Kentucky; and as the former Associate Pastor for St. Agnes, St. Thomas, St. Joseph and St. Paul Churches in Fort Wright, Fort Thomas, Crescent Springs and Florence, Kentucky, respectively; and as Chaplain for Scouts at St. Thomas in Fort Thomas, Kentucky. The son of Mr. and Mrs. Charles Edward and Elizabeth Ann Breitenstein Britt; brother of Janet Weinel, Mary Britt and Timothy Britt; nephew of Mrs. Betty Hartman and Mrs. Pat Breitenstein; and the uncle of cherished nieces and nephews; he is survived by his loving family, friends and those he served with great devotion. A graduate of Saint Anthony School, Newport Catholic High School, St. Pius X Seminary, Mt. St. Mary Seminary and Notre Dame University, he was ordained in 1982 by Most Reverend William A. Hughes at the Cathedral Basilica of the Assumption. Reverend Jerome C. Britt is remembered on this day for his faithful and generous contributions and will be deeply missed by all those whose lives were touched by his remarkable presence. Done in Frankfort, Kentucky, this thirteenth day of April, in the year two thousand and four.

Legislative Citation No. 139 was adopted without objection.

Representative P. Clark moved the adoption of the following **Legislative Citation No. 141**.

The House of Representatives of the Commonwealth of Kentucky does hereby adjourn this legislative day in loving memory and honor of Sergeant George Scott Rentschler and joins Representative Perry B. Clark in expressing deepest sympathy to the Rentschler Family and all who share in the tragic and untimely loss of this esteemed citizen and in saluting him for both the courage he exhibited and the sacrifices he made while serving as an honorable member of the 135th Armored Division of the United States Army who was stationed in Iraq in support of Operation Iraqi Freedom. Survived by his cherished wife, Rachel Rentschler; beloved sons, Scott and Brock; mother, Lillian; and. a host of other family members, friends, colleagues and loved ones, he was a graduate of Male High School who had attended Central High School. For inasmuch as this valiant soldier made the ultimate sacrifice in the battle for freedom and victor, he brought great honor to his family, friends, and the citizens of this great Commonwealth and Nation. It is with solemn pride and heavy hearts that this distinguished body pays tribute to the memory of Sergeant George Scott Rentschler for his valiant service to his fellow citizens and expresses profound sorrow for the loss of this courageous member of the United States Armed Forces. Done in Frankfort, Kentucky, this thirteenth day of April, in the year two thousand and four.

Legislative Citation No. 141 was adopted without objection.

Reference of Bills and Resolutions

The Clerk reported that the Committee on Committees has referred the following Resolutions:

House Floor: **HR 278, 280, 281, 282, 283**

A Conference Committee Report was filed on **HB 708**.

Representative Adkins moved the adoption of the following Conference Committee Report on **HB 708**.

HB 708, The Conference Committee on **HB 708** has met as provided in the Rules of the House and Senate and hereby reports that they cannot agree.

Signed: April 13, 2004 - Representatives Barrows, Feeley, Butler, and Westrom; Senators Stivers, Seum, and Tapp. The above-named members, in separate votes by house, concur in the provisions of the report.

HB 708 Conference Committee Report was adopted without objection.

Orders of the Day

Representative Adkins moved that **HB 262** be taken from Orders of the Day for consideration of the Governor's veto. Agreed.

Representative Westrom moved that **HB 262** be placed on its passage, the Governor's veto notwithstanding. Agreed.

On the roll call the vote was: **Yeas 53, Nays 30**. (See April 13, 2004 roll call on **HB 262**-Appendix.)

HB 262 was passed over the Governor's veto.

Representative Westrom moved that the vote by which **HB 262** was passed, Governor's veto notwithstanding, be reconsidered and said motion be placed on the table. Agreed.

SB 75, with House Committee Substitute and House Floor Amendment attached thereto, taken from the Orders of the Day. Representative Adkins moved that it be placed upon its passage. Agreed.

Representative Barrows moved that the House refuse to recede from the House Committee Substitute and House Floor Amendment No. 2 to **SB 75**. Agreed.

HB 627, with Senate Committee Substitute attached thereto, taken from the Orders of the Day. Representative Adkins moved that it be placed upon its passage for concurrence or non concurrence. Agreed.

The Senate Committee Substitute to **HB 627** is as follows:

HB 627, AN ACT relating to the provision of broadband service.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 278 IS CREATED TO READ AS FOLLOWS:

Whereas, the General Assembly finds and determines that:

(1) State-of-the-art telecommunications is an essential element to the Commonwealth's initiatives to improve the lives of Kentucky citizens, to create investment, jobs, economic growth, and to support the Kentucky Innovation Act of 2000;

(2) Streamlined regulation in competitive markets encourages investment in the Commonwealth's telecommunications infrastructure;

(3) Consumers in the Commonwealth have many choices in telecommunications services because competition between various telecommunications technologies such as traditional telephony, cable television, Internet and other wireless technologies has become commonplace;

(4) Consumers benefit from market-based competition that offers consumers of telecommunications services the most innovative and economical services; and

(5) Consumer protections against fraud and abuse, for the provision of affordable basic service, and for access to emergency services including enhanced 911 must continue.

SECTION 2. A NEW SECTION OF KRS CHAPTER 278 IS CREATED TO READ AS FOLLOWS:

In addition to the definitions in KRS 278.010 and KRS 278.516(2), for Sections 1 to 3 of this Act, the following definitions shall apply:

(1) "Broadband" means any service that is used to deliver video or to provide access to the Internet and that consists of the offering of the capability to transmit information at a rate that is generally not less than two hundred (200) kilobits per second in at least one direction; or any service that combines computer processing, information storage, and protocol conversion to enable users to access Internet content and services. Nothing in this definition shall be construed to include any intrastate service, other than digital subscriber line service, tariffed at the commission as of July 15, 2004.

(2) "Local exchange carrier" means any company certified by the commission to provide local exchange telecommunications service in the Commonwealth on or before June 30, 1995.

SECTION 3. A NEW SECTION OF KRS CHAPTER 278 IS CREATED TO READ AS FOLLOWS:

(1) The provision of broadband services shall be market-based and not subject to state administrative regulation. Notwithstanding any other provision of law to the contrary except as provided in subsections (3) and (4) of this section, no agency of the state shall impose or implement any requirement upon a broadband service provider with respect to the following:

  (a) The availability of facilities or equipment used to provide broadband services; or

  (b) The rates, terms or conditions for, or entry into, the provision of broadband service.

(2) Any requirement imposed upon broadband service in existence as of July 15, 2004 is hereby voided upon enactment of Sections 1 to 3 of this Act. The provisions of this section do not limit or modify the duties of a local exchange carrier or

an affiliate of a local exchange carrier to provide unbundled access to network elements or the commission's authority to arbitrate and enforce interconnection agreements, including provisions related to remote terminals and central office facilities, to the extent required under 47 U.S.C. Sections 251 and 252, and any regulations issued by the Federal Communications Commission at rates determined in accordance with the standards established by the Federal Communications Commission pursuant to 47 C.F.R. Sections 51.503 to 51.513, inclusive of any successor regulations. Nothing contained in Sections 1 to 3 of this Act shall be construed to preclude the application of access or other lawful rates and charges to broadband providers. Nothing contained in Sections 1 to 3 of this Act shall preclude, with respect to broadband services, access for those service providers that use or make use of the publicly switched network.

(3) The commission shall have jurisdiction to investigate and resolve consumer service complaints.

(4) No telephone utility shall refuse to provide wholesale digital subscriber line service to competing local exchange carriers on the same terms and conditions, filed in tariff with the Federal Communications Commission, that it provides to Internet service providers.

Section 4. (1) There is hereby created the Kentucky Broadband Task Force. The Task Force shall meet during the 2004 and 2005 Interims and examine the deployment of broadband in the Commonwealth including, but not limited to, the following aspects of provisioning broadband service: regulation, cost, access to facilities, and market competition.

(2) The Kentucky Broadband Task Force shall be a legislative task force consisting of nineteen (19) members as follows:
  (a) Three (3) Senate members appointed by the Senate President;
  (b) Three (3) Representatives from the House appointed by the Speaker of the House;
  (c) Two (2) members representing the Public Service Commission appointed by the Legislative Research Commission from a list of six (6) persons submitted by the chairman of the Public Service Commission;
  (d) Eleven (11) members shall be appointed by the Legislative Research Commission as follows:
    1. One (1) member from the Office of the Governor;
    2. Four (4) members representing the incumbent local exchange carriers;
    3. Two (2) members representing the competitive local exchange carriers;
    4. One (1) member representing Internet Service Providers;
    5. One (1) member representing municipal utilities;
    6. One (1) member shall be the Secretary of the Environmental and Public Protection Cabinet; and
    7. One (1) member shall be the Commissioner of Public Protection.

(3) A majority of the members shall constitute a quorum. The President of the Senate and the Speaker of the House each shall appoint a co-chair from the members named from their chambers to the task force. The task force shall meet quarterly and may meet more often upon a call of the co-chair. Staff services shall be provided by the Legislative Research Commission with assistance from the Public Service Commission.

(4) An interim report of findings and recommendations shall be submitted to the Legislative Research Commission and to the Governor no later than November 15, 2004, and a final report shall be submitted no later than November 15, 2005.

(5) The Office of the New Economy shall prepare a baseline assessment of broadband deployment in the Commonwealth. The baseline assessment shall be submitted to the Legislative Research Commission and the Governor by July 1, 2004. Thereafter, the Office of the New Economy shall prepare six (6) month updates on broadband deployment to be submitted to the Legislative Research Commission and the Governor. The assessment and updates shall include, but not be limited to, the number of digital subscriber lines in the Commonwealth and their location and use. Comparable information shall also be obtained for broadband deployment through cable systems. Telephone utilities and cable service providers shall submit information to the Office of the New Economy as needed to prepare the baseline assessment and updates on broadband deployment.

(6) Provisions of this section notwithstanding, the Legislative Research Commission shall have the authority to alternatively assign the issues identified herein to an interim joint committee or subcommittee thereof, and to designate a study completion date.

Representative Pullin moved that the House concur in the Senate Committee Substitute to **HB 627**.

Representative Pullin moved passage of **HB 627**, by way of Senate Committee Substitute.

On the roll call the vote was: **Yeas 81, Nays 9** (See April 13, 2004, roll call on **HB 627** - Appendix.)

Representative Wayne abstained from voting pursuant to Section 57 of Kentucky Constitution.

The House did concur in the Senate Committee Substitute to **HB 627**.

Representative Pullin moved that the vote by which **HB 627**, by way of Senate Committee Substitute, was passed be reconsidered and said motion be placed on the table. Agreed.

SB 52, with House Committee Substitute attached thereto, taken from the Orders of the Day and ordered read at length for the third time. Representative Adkins moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Rasche moved the adoption of the House Committee Substitute to **SB 52**. Agreed.

Representative Rasche moved that **SB 52**, by way of the House Committee Substitute, be passed.

On the roll call the vote was: **Yeas 93, Nays 2**. (See April 13, 2004, roll call on **SB 52** - Appendix.)

SB 52, by way of Committee Substitute, was passed and the title agreed to.

Representative Rasche moved that the vote by which **SB 52**, by way of Committee Substitute, was passed be reconsidered and said motion be placed on the table. Agreed.

Representative Adkins moved to reconsider and remove the clincher on **HB 627**. Agreed.

Representative Pullin moved passage of **HB 627**, by way of Senate Committee Substitute.

On the roll call the vote was: **Yeas 78, Nays 12**. (See April 13, 2004, roll call on **HB 627** - Appendix.)

Representative Wayne abstained from voting pursuant to Section 57 of Kentucky Constitution.

HB 627, by way of Senate Committee Substitute, was passed and the title agreed to.

Representative Pullin moved that the vote by which **HB 627**, by way of Senate Committee Substitute, was passed be reconsidered and said motion be placed on the table. Agreed.

SB 247 taken from the Orders of the Day and ordered read at length for the third time. Representative Adkins moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Wayne moved that **SB 247** be passed.

On the roll call the vote was: **Yeas 93, Nays 0**. (See April 13, 2004, roll call on **SB 247** - Appendix.)

SB 247 was passed and the title agreed to.

Representative Wayne moved that the vote by which **SB 247** was passed be reconsidered and said motion be placed on the table. Agreed.

SB 228, with House Committee Substitute and House Floor Amendment attached thereto, taken from the Orders of the Day and ordered read at length for the third time. Representative Adkins moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Moberly moved the adoption of the House Committee Substitute to **SB 228**. Agreed.

Representative Moberly moved the adoption of House Floor Amendment No. 1 to the House Committee Substitute to **SB 228**. Agreed.

Representative Moberly moved that **SB 228**, by way of House Committee Substitute, as amended, be passed.

On the roll call the vote was: **Yeas 93, Nays 0**. (See April 13, 2004, roll call on **SB 228** - Appendix.)

SB 228, by way of House Committee Substitute, as amended, was passed and the title agreed to.

Representative Moberly moved that the vote by which **SB 228**, by way of House Committee Substitute, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 376, with Senate Committee Substitute attached thereto, taken from the Orders of the Day. Representative Adkins moved that it be placed upon its passage for concurrence or non concurrence. Agreed.

The Senate Committee Substitute to **HB 376** is as follows:

HB 376, AN ACT relating to the homelessness prevention pilot project.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 194A IS CREATED TO READ AS FOLLOWS:

(1) Subject to sufficient funding, the Cabinet for Health Services, the Justice Cabinet, and the Cabinet for Families and Children, in consultation with any other state agency as appropriate, shall develop and implement a homelessness prevention pilot project that offers institutional discharge planning on a voluntary basis to persons exiting from state-operated or supervised institutions involving mental health and foster care programs, and persons serving out their sentences in any state-operated prison in Oldham County.

(2) The primary goal of the project shall be to prepare a limited number of persons in a foster home under supervision by the Cabinet for Families and Children, state-operated prison in Oldham County under supervision by the Justice Cabinet, and mental health facility under supervision by the Cabinet for Health Services for return or reentry into the community, and to offer information about any necessary linkage of the person to needed community services and supports.

(a) The pilot project shall be jointly supported by each of the cabinets. One (1) office for the pilot project shall be located in a family resource center or Department for Community Based Services building in Jefferson County due to its urban population, and one (1) office shall be located in Clinton, Cumberland, McCreary, or Wayne County, due to its rural population. The pilot project office in Jefferson County shall serve persons intending to locate in Jefferson County who are being released from a mental health facility under supervision by the Cabinet for Health Services and persons intending to locate in Jefferson County who are being released after serving out their sentences from any state-operated prison in Oldham County. The pilot project office in Clinton, Cumberland, McCreary, or Wayne County shall serve persons intending to locate in Clinton, Cumberland, McCreary, or Wayne County who are aging out of the foster care program following placement in Clinton, Cumberland, McCreary, or Wayne County.

(b) Within thirty (30) days following the effective date of this Act, the cabinets shall supply each pilot project director with the collection of information on available employment, social, housing, educational, medical, mental health, and other community services in the county. The information shall include but not be limited to the service area of each public and private provider of services, the capacity of each provider to render services to persons served by the pilot project, the fees of each provider, contact names and telephone numbers for each provider, and an emergency contact for each provider.

(c) Within thirty (30) days following the effective date of this Act, the cabinets and directors shall begin a program of education for each of the cabinet and foster home and mental health and appropriate state-operated prison facility staff who will participate in the development of a discharge plan for volunteer participants under this section.

(3) The pilot project shall operate on a voluntary basis. One (1) of each five (5) persons eligible for discharge or completing their sentence shall be offered the opportunity to participate in the pilot program. This offer shall be made at least six (6) months prior to discharge. There shall be a cap on the number of persons served in each office, to be determined by available funding and staffing requirements.

(a) The staff member designated as the homelessness prevention coordinator for each foster home or mental health facility shall maintain a file for each volunteer participant in the foster home or mental health facility, relating to the participant's employment, social, housing, educational, medical, and mental health needs. This file shall be updated from time to time as appropriate and pursuant to an administrative regulation promulgated by the cabinet in accordance with KRS Chapter 13A that establishes standards for the discharge summary. The staff member designated as the homelessness prevention coordinator for the appropriate state-operated prison participating in the pilot project shall maintain a file containing appropriate forms completed and updated by each person voluntarily participating in the pilot project, relating to the information provided under subsection (6) of this section. All applicable privacy and confidentiality laws shall be followed in assembling and maintaining this file.

(b) Six (6) months prior to the expected date of discharge, the discharge coordinator for each foster home and mental health and state-operated prison facility shall contact the homelessness prevention director for Jefferson County or the homelessness prevention director for Clinton, Cumberland, McCreary, or Wayne County, as appropriate, about the pending release of the volunteer participant who is eligible for discharge from a foster home or mental health facility or who will have served out his or her sentence in a state-operated prison facility that is participating in the pilot project. The director shall visit the home or facility, as appropriate, to assist with the preparation of the final comprehensive discharge plan.

(c) The director and the discharge coordinator for each participating foster home and mental health and state-operated prison facility shall work together to develop a final comprehensive discharge plan that addresses the employment, health care, educational, housing, and other needs of the person to be released, subject to the consent of the person and the funding and staffing capabilities of the director. Information provided by the coordinator may include and be limited to, subject to the staffing and funding capabilities of the coordinator, information provided by the person to be released on a form or forms made available by the foster home or mental health or state-operated prison facility. The discharge plan shall contain but not be limited to the following:

1. Estimated discharge date from the foster home, state-operated prison facility, or mental health facility;

2. Educational background of the person to be released, including any classes completed or skills obtained by the person while in the foster home, state-operated prison facility, or mental health facility;

3. The person's medical and mental health needs;

4. Other relevant social or family background information;

5. A listing of previous attempts to arrange for post-release residence, employment, medical and mental health services, housing, education, and other community-based services for the person; and

6. Other available funding and public programs that may reimburse any services obtained from a provider listed in the discharge plan. Every effort shall be made in the discharge plan to refer the person to a provider that has agreed to an arranged public or private funding arrangement.

No discharge plan shall be completed unless the written consent, consistent with state and federal privacy laws, to compile the information and prepare the plan has been given by the person eligible for release who has volunteered to participate in the pilot program.

(4) The director shall assist with the completion of a final comprehensive discharge plan that may include, but need not be limited to, the following:

(a) Availability of appropriate housing, including but not limited to a twenty-four (24) month transitional program, supportive housing, or halfway house. Planning discharge to an emergency shelter is not appropriate to meet the housing needs of the person being discharged from foster care, a state-operated prison facility, or a mental health facility;

(b) Access to appropriate treatment services for participants who require follow-up treatment;

(c) Availability of appropriate employment opportunities, including assessment of vocational skills and job training; and

(d) Identification of appropriate opportunities to further education.

(5) Discharge planning shall be individualized, comprehensive, and coordinated with community-based services.

(a) Each discharge plan shall create a continuous, coordinated, and seamless system that is designed to meet the needs of the person.

(b) Staff of the foster home or facility and staff of community-based services providers shall be involved in the planning.

(c) Each facility shall utilize, wherever possible, community-based services within the facility to establish familiarity of the person residing in the facility with the community services.

(6) The Department of Corrections shall, through an administrative regulation promulgated in accordance with KRS Chapter 13A, develop a discharge plan that addresses the education; employment, technical, and vocational skills; and housing, medical, and mental health needs of a person who is to be released after serving out his or her sentence in a state-operated prison facility participating in the pilot project.

(7) Appropriate data about discharge placements and follow-up measures shall be collected and analyzed. The analysis shall be included in the interim and final reports of the pilot program specified in subsection (8) of this section.

(8) Each homelessness prevention director shall have regular meetings with appropriate state cabinet and agency staff to review the pilot project and make recommendations for the benefit of the program. Each director shall be assisted by a local advisory council composed of local providers of services and consumer advocates who are familiar with homelessness prevention issues. Priority for membership on the advisory council shall be given to existing resources and regional mental health and substance abuse advisory councils at the discretion of the director.

(9) Each cabinet shall collect data about the discharge plans, referrals, costs of services, and rate of recidivism related to the homelessness prevention program, and shall submit an annual report to the Governor and the Legislative Research Commission no later than October 1 that summarizes the data and contains recommendations for the improvement of the program. The annual report also shall be forwarded to the Kentucky Commission on Services and Supports for Individuals with Mental Retardation and Other Developmental Disabilities, Kentucky Commission on Services and Supports for Individuals with Mental Illness, Alcohol and Other Drug Abuse Disorders, and Dual Diagnoses, and the Kentucky Housing Corporation Homelessness Policy Council.

Section 2. The development and implementation of the homelessness prevention pilot project in this Act shall be subject to sufficient funding for this project as provided in the Executive Branch Budget Bill.

Representative Jenkins moved that the House concur in the Senate Committee Substitute to **HB 376**. Agreed.

Representative Jenkins moved that **HB 376**, by way of Senate Committee Substitute, be passed.

On the roll call the vote was: **Yeas 95, Nays 0** (See April 13, 2004, roll call on **HB 376** - Appendix.)

HB 376, by way of Senate Committee Substitute, was passed and the title agreed to.

Representative Jenkins moved that the vote by which **HB 376**, by way of Senate Committee Substitute, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 258, with Senate Committee Substitute and Senate Committee Amendment attached thereto, taken from the Orders of the Day. Representative Adkins moved that it be placed upon its passage for concurrence or non concurrence. Agreed.

The Senate Committee Substitute to **HB 258** is as follows:

HB 258, AN ACT relating to the office expenses of county clerks and sheriffs.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 64.345 is amended to read as follows:

(1) The county clerk and sheriff of each county having a population of seventy thousand (70,000) or over shall receive an annual salary pursuant to the salary schedule in KRS 64.5275.

(2) In counties containing a city of the first class, an urban-county form of government, or a consolidated local government, the amount, if any, allowed for the necessary office expenses of each officer shall be approved by the fiscal court in counties containing a city of the first class, by the legislative body in counties containing an urban-county form of government, or by the legislative council in a consolidated local government. This approval shall be signed by the county judge/executive in a county containing a city of the first class, the executive authority in a county having an urban-county form of government, or the mayor in a consolidated local government. Approval by the fiscal court, urban-county legislative body, or legislative council of a consolidated local government under this subsection shall not include oversight of expenditure of the funds. This oversight shall be retained by the Office of the Controller created pursuant to KRS 42.0201. In counties having a consolidated local government or containing a city of the first class, each sheriff's deputy who uses his own automobile in the performance of official duties shall be authorized an allotment for expenses incurred, up to a maximum of three hundred dollars ($300) per month, to be paid out of the fees and commissions of the sheriff's office. In all other counties with a population of seventy thousand (70,000) or more, the amount, if any, allowed for the necessary office expenses of each officer shall be fixed by the fiscal court by an order entered upon the fiscal court order book no later than January 15 of each year. ***Necessary office expenses for sheriffs and county clerks in counties containing a city of the first class, an urban-county form of government, or a consolidated local government, and counties with a population of seventy thousand (70,000) or more shall include discretionary funds to cover additional expenses related to special training and travel related to homeland security emergencies, academy graduations, retirements, state and national sheriff's conventions, and extraordinary office expenses in amounts authorized by the approving authority.*** A certified copy of the orders, and of any subsequent changes made therein, shall, as soon as entered, be forwarded to the Finance and Administration Cabinet.

(3) Each officer shall, on the first day of each month, send to the Finance and Administration Cabinet a statement, subscribed and sworn to by him, showing the amount of money received or collected by or for him the preceding month as fees or compensation for official duties and shall, with these statements, send to the Finance and Administration Cabinet the amount so collected or received. The Finance and Administration Cabinet may extend the time for filing the statement and making the payment for a period not exceeding ten (10) days in any month.

(4) The salary of each officer and his deputies and assistants and his office expenses shall be paid semimonthly by the State Treasurer upon the warrant of the Finance and Administration Cabinet made payable to the officer. If seventy-five percent (75%) of the amount paid into the State Treasury in any month by any of such officers is not sufficient to pay the salaries and expenses of his office for that month, the deficit may be made up out of the amount paid in any succeeding month; but in no event shall the amount allowed by the Finance and Administration Cabinet to any officer for salaries and expenses exceed seventy-five percent (75%) of the amount paid to the Finance and Administration Cabinet by the officer during his official term.

(5) In counties containing a city of the first class, an urban-county form of government, or a consolidated local government, the number of deputies and assistants allowed to each officer and the compensation allowed to each deputy and assistant shall be approved at reasonable amounts upon motion of each officer by the fiscal court in counties containing a city of the first class, by the legislative council in a consolidated local government, and by the legislative body in counties containing an urban-county form of government. This approval shall be signed by the county judge/executive in a county containing a city of the first class, the executive authority in a county having an urban-county form of government, or the mayor in a consolidated local government. Approval by the fiscal court, urban-county legislative body, or legislative council of a consolidated local government under this subsection shall not include oversight of expenditure of the funds. This oversight shall be retained by the Office of the Controller. In all other counties with a population of seventy thousand (70,000) or more, the number of deputies and assistants allowed to each officer and the compensation allowed to each deputy and assistant shall be fixed at reasonable amounts upon motion of each officer by the fiscal court by an order entered upon the fiscal court order book no later than January 15 of each year. A certified copy of the orders, and of any subsequent changes

made therein, shall, as soon as entered, be forwarded to the Finance and Administration Cabinet.

(6) If a county's population that equaled or exceeded seventy thousand (70,000) is less than seventy thousand (70,000) after the most recent federal decennial census, then the provisions of KRS 64.368 shall apply.

(7) The Office of the Controller shall recognize the amount allowed for necessary office expenses of each officer under subsection (2) of this section as the official budget for the office. The Office of the Controller shall use professional judgment in creating the appropriate fund and account structure to ensure that the offices do not exceed annual approved budgetary amounts or expend more than the resources available for the term of office.

Section 2. KRS 70.045 is amended to read as follows:

(1) The sheriff ***of a county with a population of ten thousand (10,000) or more*** may appoint and have sworn in and entered on the county clerk order book one (1) special deputy for each two thousand five hundred (2,500) residents or part thereof in his county, to assist him with general law enforcement and maintenance of public order. ***The sheriff of a county with a population of less than ten thousand (10,000) may appoint and have sworn in and entered on the county clerk order book one (1) special deputy for each one thousand (1,000) residents or part thereof in his county, to assist him with general law enforcement and maintenance of public order.*** The population of the county shall be determined by the most recent count or estimate by the Federal Bureau of Census.

(2) The sheriff in each county may appoint and have sworn in, and entered on the county clerk order book, as many special deputies as needed to assist him in the execution of his duties and office in preparation for or during an emergency situation, such as fire, flood, tornado, storm, or other such emergency situations. For purposes of this section only, an emergency situation is a condition which, in the judgment of the sheriff, requires a response immediately necessary for the preservation of public peace, health or safety, utilizing special deputies previously appointed in preparation for the contingency.

(3) The special deputy shall:

(a) Be appointed and dismissed on the authority of the sheriff;

(b) Not receive any monetary compensation for his time or services;

(c) Serve at the request of the sheriff, unless personal conditions rule otherwise;

(d) Be answerable to and under the supervision of the sheriff, who shall be responsible for the actions of the special deputy; and

(e) Be appointed regardless of race, color, creed, or position.

(4) The position of special deputy as created and defined in subsections (1), (2), and (3) is subject to the provisions of this section only.

Representative Riggs moved that the House concur in the Senate Committee Substitute to **HB 258**. Agreed.

Representative Riggs moved that **HB 258**, by way of Senate Committee Substitute, be passed.

On the roll call the vote was: **Yeas 94, Nays 0** (See April 13, 2004, roll call on **HB 258** - Appendix.)

HB 258, by way of Senate Committee Substitute, was passed.

The Senate Committee Amendment No. 1 Title to **HB 258** is as follows:

HB 258, Amend the title to read as follows: "An Act relating to fee officials."

Representative Riggs moved that the House concur in Senate Committee Amendment No. 1 Title to **HB 258**. Agreed.

Representative Riggs moved that the vote by which **HB 258**, by way of Senate Committee Substitute, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 242, with Senate Floor Amendment attached thereto, taken from the Orders of the Day. Representative Adkins moved that it be placed upon its passage for concurrence or non concurrence. Agreed.

The Senate Floor Amendment No. 3 to **HB 242** is as follows:

HB 242, On page 1, lines 4 and 5, by deleting "***licensed medical facility that has a licensed psychiatrist on staff***" and inserting "***acute care hospital that is licensed by the Commonwealth***" in lieu thereof.

Representative Lindsay moved that the House concur in Senate Floor Amendment No. 3 to **HB 242**. Agreed.

Representative Lindsay moved that **HB 242**, as amended by the Senate, be passed.

On the roll call the vote was: **Yeas 96, Nays 0** (See April 13, 2004, roll call on **HB 242** - Appendix.)

HB 242, as amended by the Senate, was passed and the title agreed to.

Representative Lindsay moved that the vote by which **HB 242,** as amended by the Senate, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 90, with Senate Committee Substitute and Senate Floor Amendments attached thereto, taken from the Orders of the Day. Representative Adkins moved that it be placed upon its passage for concurrence or non concurrence. Agreed.

The Senate Committee Substitute to **HB 90** is as follows:

HB 90, AN ACT relating to children's psychiatric residential treatment facilities.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 216B.450 is amended to read as follows:

As used in this section and KRS 216B.455:

(1) "Cabinet" means the Cabinet for Health Services;

(2) "Community-based" means a facility that is located in an existing residential neighborhood or community;

(3) ***"Freestanding" means a completely detached building or two (2) residences under one (1) roof that are clearly separate and can serve youth independently.***

(4) "Home-like" means a residence with living space designed to accommodate the daily living needs and tasks of a family unit, with opportunity for adult-child communication, shared tasks, adult-child learning, congregate meals, and family-type routines appropriate to the ages and levels of functioning of the residents; and

(5)[~~(4)~~] "Psychiatric residential treatment facility" means a licensed, community-based, and home-like facility with a maximum of ***nine (9)***[~~eight (8)~~] beds which provides inpatient psychiatric residential treatment to residents ***age six (6) to twenty-one (21) years*** who have an emotional disability or severe emotional disability as defined in KRS 200.503,[~~ age six (6) years to twenty-one (21) years~~] with an age range of no greater than five (5) years ***at the time of admission*** in a living unit.

Section 2. KRS 216B.455 is amended to read as follows:

(1) A certificate of need shall be required for all psychiatric residential treatment facilities. The application for a certificate of need shall include formal written agreements of cooperation that identify the nature and extent of the proposed working relationship between the proposed psychiatric residential treatment facility and each of the following agencies, organizations, or facilities located in the service area of the proposed facility:

   (a) Regional interagency council for children with emotional disability or severe emotional disability as defined in KRS 200.509;

   (b) Department for Community Based Services;

   (c) Local school districts;

   (d) ***At least one (1)*** psychiatric ***hospital***[~~hospitals~~]; and

   (e) Any other agency, organization, or facility deemed appropriate by the cabinet.

(2) ***Notwithstanding provisions for granting of a nonsubstantive review of a certificate of need application under KRS 216B.095, the cabinet shall review and approve the nonsubstantive review of an application seeking to increase the number of beds as permitted by Section 1 of this Act if the application is submitted by an eight (8) bed or sixteen (16) bed psychiatric residential treatment facility licensed and operating on the effective date of this Act. The cabinet shall base its approval of expanded beds upon the psychiatric residential treatment facility's ability to meet standards designed by the cabinet to provide stability of care. The standards shall be promulgated by the cabinet in an administrative regulation in accordance with KRS Chapter 13A. An application under this subsection shall not be subject to any moratorium relating to certificate of need.***

(3) All psychiatric residential treatment facilities shall comply with the licensure requirements as set forth in KRS 216B.105.

(4)[~~(3)~~] All psychiatric residential treatment facilities shall be certified by the Joint Commission on Accreditation of Healthcare Organizations, or the Council on Accreditation, or any other accrediting body with comparable standards that is recognized by the state.

(5)[~~(4)~~] A psychiatric residential treatment facility shall not be located in or on the grounds of a psychiatric hospital. ***More than one (1) freestanding psychiatric residential treatment facility may be located on the same campus that is not in or on the grounds of a psychiatric hospital.***

(6)[~~(5)~~] The total number of psychiatric residential treatment facility beds shall not exceed ***three hundred and fifteen (315) beds statewide, and shall be distributed among the state mental hospital districts established by administrative regulations promulgated by the Cabinet for Health Services under KRS 210.300 as follows:***

(a) District I for seventy-two (72) beds;

(b) District II for ninety-nine (99) beds;

(c) District III for ninety (90) beds; and

(d) District IV for fifty-four (54) beds[~~sixteen (16) beds in any area development district with less than 275,000 population; thirty two (32) beds in any area development district with 275,000 to 550,000 population; and forty-eight (48) beds in any area development district with over 550,000 population~~].

(7) (a) The Cabinet for Health Services and the Cabinet for Families and Children shall investigate the need for children's psychiatric residential treatment services for specialized populations including, but not limited to, sexual offenders, children with physical and developmental disabilities, and children with dual diagnoses.

(b) The cabinets shall report to the Governor and the Legislative Research Commission by August 1, 2005, on a plan to enable children with specialized needs to be served in community-based psychiatric treatment facilities in Kentucky. The plan shall include methods to:

1. Identify the specialized populations;

2. Develop services targeted for the specialized populations; and

3. Establish a Medicaid reimbursement rate for specialized facilities in Kentucky.

Section 3. KRS 216B.459 is amended to read as follows:

The rate of reimbursement for Medicaid eligibles residing in ***nine (9)***[~~eight (8)~~] bed psychiatric residential treatment facilities shall not exceed the rate of reimbursement for Medicaid eligibles residing in ***eighteen (18)***[~~sixteen (16)~~] bed psychiatric residential treatment facilities.

Representative Burch moved that the House concur in the Senate Committee Substitute to **HB 90**. Agreed.

The Senate Floor Amendment No. 6 to **HB 90** is as follows:

HB 90, On page 4, after line 3, insert the following:

"Section 4. KRS 6.940 is amended to read as follows:

(1) There is hereby established a Medicaid[~~ Managed Care~~] Oversight ***and*** Advisory Committee, consisting of ten (10) members appointed as follows: four (4) members of the Senate appointed by the President of the Senate; one (1) member of the minority party in the Senate appointed by the Minority Floor Leader in the Senate; four (4) members of the House of Representatives appointed by the Speaker of the House of Representatives; and one (1) member of the minority party in the House of Representatives appointed by the Minority Floor Leader in the House of Representatives. Members appointed from each chamber shall elect one (1) member from their chamber to serve as co-chair. The co-chairs shall have joint responsibilities for committee meeting agendas and presiding at committee meetings. The committee shall meet at least four (4) times annually and shall provide oversight on the implementation of Medicaid[~~ managed care~~] within the Commonwealth including access to services, utilization of services, quality of services, and cost containment.

(2) A majority of the entire membership of the Medicaid[~~ Managed Care~~] Oversight ***and*** Advisory Committee shall constitute a quorum, and all actions of the committee shall be by vote of a majority of its entire membership.".

Representative Burch moved that the House concur in Senate Floor Amendment No. 6 to **HB 90**. Agreed.

The Senate Floor Amendment No. 7 to **HB 90** is as follows:

HB 90, On page 4, after line 3, by inserting the following:

"Section 4. KRS 158.832 is amended to read as follows:

(1) ***"Anaphylaxis" means an allergic reaction resulting from sensitization following prior contact with an antigen which can be a life-threatening emergency. Anaphylaxis may be triggered by, among other agents, foods, drugs, injections, insect stings, and physical activity.***

(2) "Medications" means all medicines individually prescribed by a health care practitioner for the student that pertain to his or her asthma ***or used to treat anaphylaxis, including but not limited to EpiPen or other auto-injectible epinephrine***;

(3)[~~(2)~~] "Health care practitioner" means a physician or other health care provider who has prescriptive authority; and

(4)[~~(3)~~] "Self-administration" means the student's use of his or her prescribed asthma ***or anaphylaxis*** medications, pursuant to prescription or written direction from the health care practitioner.

Section 5. KRS 158.834 is amended to read as follows:

(1) The board of each local public school district and the governing body of each private and parochial school or school district shall permit the self-administration of medications by a student with asthma ***or by a student who is at risk of having anaphylaxis*** if the student's parent or guardian:

(a) Provides written authorization for self-administration to the school; and

(b) Provides a written statement from the student's health care practitioner that the student has asthma ***or is at risk of having anaphylaxis*** and has been instructed in self-administration of ***the student's prescribed medications to treat*** asthma ***or anaphylaxis***[~~medications~~]. The statement shall also contain the following information:

1. The name and purpose of the medications;
2. The prescribed dosage;
3. The time or times the medications are to be regularly administered and under what additional special circumstances the medications are to be administered; and
4. The length of time for which the medications are prescribed.

(2) The statements required in subsection (1) of this section shall be kept on file in the office of the school nurse or school administrator.

(3) The school district or the governing body of each private and parochial school or school district shall inform the parent or guardian of the student that the school and its employees and agents shall incur no liability as a result of any injury sustained by the student from the self-administration of ***his or her medications to treat*** asthma ***or anaphylaxis***[~~medications~~]. The parent or guardian of the student shall sign a statement acknowledging that the school shall incur no liability and the parent or guardian shall indemnify and hold harmless the school and its employees against any claims relating to the self-administration of ***medications used to treat*** asthma ***or anaphylaxis***[~~medications~~]. Nothing in this subsection shall be construed to relieve liability of the school or its employees for negligence.

(4) The permission for self-administration of medications shall be effective for the school year in which it is granted and shall be renewed each following school year upon fulfilling the requirements of subsections (1) to (3) of this section.

Section 6. KRS 158.836 is amended to read as follows:

Upon fulfilling the requirements of KRS 158.834, a student with asthma ***or a student who is at risk of having anaphylaxis*** may possess and use ***medications to treat the*** asthma ***or anaphylaxis***[~~medications~~] when at school, at a school-sponsored activity, under the supervision of school personnel, or before and after normal school activities while on school properties including school-sponsored child care or after-school programs.

Section 7 Whereas, Kentucky students who have severe allergies are at risk of having a life-threatening anaphylactic reaction which can be stabilized by the self-administration of epinephrine using an auto-injector and other medications prescribed by the student's health care provider, and a statewide protocol does not exist for the self-administration of these medications at school, an emergency is declared to exist, and Sections 4 through 6 of this Act take effect upon their passage and approval by the Governor or upon their otherwise becoming a law.".

Representative Burch moved that the House concur in Senate Floor Amendment No. 7 to **HB 90**. Agreed.

Representative Burch moved that **HB 90**, by way of Senate Committee Substitute, as amended, be passed.

On the roll call the vote was: **Yeas 96, Nays 1** (See April 13, 2004, roll call on **HB 90** - Appendix.)

HB 90, by way of Senate Committee Substitute, as amended, was passed.

The Senate Floor Amendment No. 5 Title to **HB 90** is as follows:

HB 90, By amending the title to read as follows:
"AN ACT relating to health services and declaring an emergency.".

Representative Burch moved that the House concur in Senate Floor Amendment No. 5 Title to **HB 90**. Agreed.

Representative Burch moved that the vote by which **HB 90**, by way of Senate Committee Substitute, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

SB 163, with House Committee Substitutes, House Committee Amendment, and House Floor Amendments attached thereto, taken from the Orders of the Day and ordered read at length for the third time. Representative Adkins moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Lindsay moved the adoption of the House Committee Substitute No. 2 to **SB 163**.

Representative Lindsay moved that **SB 163**, by way of House Committee Substitute No. 2, be passed by voice vote.

Representative Wayne moved the adoption of House Floor Amendment No. 3 to the House Committee Substitute No. 2 to **SB 163**.

House Floor Amendment No. 3 to the House Committee Substitute No. 2 to **SB 163** was defeated by voice vote.

On the roll call on the passage of **SB 163,** by way of House Committee Substitute No. 2, the vote was: **Yeas 93, Nays 1.** (See April 13, 2004, roll call on **SB 163** - Appendix.)

SB 163, by way of House Committee Substitute, was passed.

Representative Lindsay moved the adoption of House Committee Amendment No. 1 Title to **SB 163**. Agreed.

Representative Lindsay moved that the vote by which **SB 163**, by way of House Committee Substitute, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

Representative Adkins moved that the rules be suspended to consider the Free Conference Committee Report on **HB 97**. Agreed.

The Speaker Pro Tem assumed the chair

Speaker Richards resumed the chair.

HB 97 taken from Orders of the Day. Representative Adkins moved that it be placed upon its passage. Agreed.

Representative Wilkey moved the adoption of the following Free Conference Committee Report on **HB 97**.

On the roll call to adopt the Free Conference Committee Report the vote was: **Yeas 42, Nays 41**. (See April 13, 2004, roll call on **HB 97** - Appendix.)

HB 97, The Free Conference Committee on **HB 97** has met as provided in the Rules of the House and Senate and hereby reports the following to be adopted: Adopt the provisions of the GA copy of **HB 97** with the following changes:

On page 11, after line 9, by inserting:

"Section 2. KRS 131.602 is amended to read as follows:

(1) Any tobacco product manufacturer selling cigarettes to consumers within this state, whether directly or through a distributor, retailer, or similar intermediary or intermediaries, after June 30, 2000, shall do one (1) of the following:

  (a) Become a participating manufacturer, as that term is defined in section II(jj) of the master settlement agreement, and generally perform its financial obligations under the master settlement agreement; or

  (b) Place into a qualified escrow fund by April 15 of the year following the year in question the following amounts, as such amounts are adjusted for inflation:

    1. For 2000: $0.0104712 per unit sold after June 30, 2000;
    2. For each of 2001 and 2002: $0.0136125 per unit sold;
    3. For each of 2003 through 2006: $0.0167539 per unit sold; and
    4. For 2007 and each year thereafter: $0.0188482 per unit sold.

(2) A tobacco product manufacturer that places funds into escrow pursuant to subsection (1)(b) of this section shall receive the interest or other appreciation on such funds as earned. Such funds themselves shall be released from escrow only under the following circumstances:

  (a) To pay a judgment or settlement on any released claim brought against such tobacco product manufacturer by Kentucky or any releasing party located or residing in Kentucky. Funds shall be released from escrow under this paragraph in the order in which they were placed into escrow and only to the extent and at the time necessary to make payments required under such judgment or settlement;

  (b) To the extent that a tobacco product manufacturer establishes that the amount it was required to place into escrow *on account of units sold in the state* in a particular year was greater than *the master settlement agreement payments, as determined pursuant to section IX(i) of that agreement including after final determination of all adjustments, that such manufacturer would have been required to make on account of such units sold*~~[Kentucky's allocable share of the total payments that such manufacturer would have been required to make in that year under the master settlement agreement, as determined pursuant to section IX(i)(2) of the master settlement agreement, and before any of the adjustments or offsets described in section IX(i)(3) of that agreement other than the inflation adjustment,]~~ had it been a participating manufacturer, the excess shall be released from escrow and revert back to such tobacco product manufacturer; or

  (c) To the extent not released from escrow under paragraph (a) or (b) of this subsection, funds shall be released from escrow and revert back to such tobacco product manufacturer twenty-five (25) years after the date on which they were placed into escrow.

(3) Each tobacco product manufacturer that elects to place funds into escrow pursuant to subsection (1)(b) of this section shall annually certify to the Attorney General that it is in compliance with subsections (1)(b) and (2) of this section. The Attorney General may bring a civil action on behalf of Kentucky against any tobacco product manufacturer that fails to place into escrow the funds required under this section. Any tobacco product manufacturer that fails in any year to place into escrow the funds required under this section shall:

(a) Be required within fifteen (15) days to place such funds into escrow as shall bring it into compliance with this section. The court, upon a finding of a violation of subsection (1)(b) or (2) of this section, may impose a civil penalty, to be paid to the general fund of Kentucky, in an amount not to exceed five percent (5%) of the amount improperly withheld from escrow per day of the violation and in a total amount not to exceed one hundred percent (100%) of the original amount improperly withheld from escrow;

(b) In the case of a knowing violation, be required within fifteen (15) days to place such funds into escrow as shall bring it into compliance with this section. The court, upon a finding of a knowing violation of subsection (1)(b) or (2) of this section, may impose a civil penalty, to be paid to the general fund of Kentucky, in an amount not to exceed fifteen percent (15%) of the amount improperly withheld from escrow per day of the violation and in a total amount not to exceed three hundred percent (300%) of the original amount improperly withheld from escrow; and

(c) In the case of a second knowing violation, be prohibited from selling cigarettes to consumers within Kentucky, whether directly or through a distributor, retailer, or similar intermediary, for a period not to exceed two (2) years.

Each failure to make an annual deposit required under this section shall constitute a separate violation.

Section 3. KRS 131.620 is amended to read as follows:

(1) The Attorney General may, at any time, require from the nonparticipating manufacturer proof from the financial institution in which the manufacturer has established a qualified escrow fund, for the purpose of compliance with KRS 131.600 and 131.602, of the amount of money in the fund, exclusive of interest, the amount and date of each deposit to the fund, and the amount and date of each withdrawal from the fund.

(2) To promote compliance with the provisions of Section 2 of this Act, the Attorney General may promulgate regulations requiring a nonparticipating manufacturer subject to the requirements of Section 2 of this Act to make the escrow deposits required in quarterly installments during the year in which the sales covered by such deposits are made. The Attorney General may require production of information sufficient to enable the Attorney General to determine the adequacy of the amount of the installment deposit."; and

On page 11, line 10, after "Section", by deleting "2", and by inserting "4", and after "in", by inserting "Section 1 of"; and

Amend the title to read as follows: "AN ACT relating to tobacco issues.".

Signed: April 13, 2004 - Representatives Thomas, McKee, Nunn, Siler, and Wilkey; Senators Sanders, Boswell, and Gutherie. The above-named members, in separate votes by house, all concur in the provisions of this report.

Representative Wilkey moved that **HB 97**, as amended by the Free Conference Committee Report, be passed.

On the roll call the vote was: **Yeas 45, Nays 38**. (See April 13, 2004, roll call on **HB 97** - Appendix.)

HB 97, as amended by the Free Conference Committee Report, was passed and the title agreed to.

Representative Wilkey moved that the vote by which **HB 97**, as amended by the Free Conference Committee Report, was passed be reconsidered and said motion be placed on the table. Agreed.

The Speaker appointed the following members to a Conference Committee and Free Conference Committee on **HB 264**: Representatives Graham, Chair; Thomas; and Comer.

A Free Conference Committee Report was filed on **HB 708**.

Representative Adkins moved that the House recess until 7:30 p.m. Agreed.

Recess

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Report On Enrolled Bills

The Committee on Enrollment reported that **HB 90, 97, 376, 242, 258,** and **627** have been examined and found correctly enrolled. Said Bills were read at length, compared and signed in open session by the Speaker, and ordered delivered to the Senate. (Time -8:45 p.m.)

A Conference Committee Report was filed on **HB 264**.

Representative Adkins moved that the rules be suspended to introduce and act on a Resolution. Agreed.

Introduction of Bills and Resolutions (Continued)

HR 296, by Representatives Richards, Adkins, Callahan, L. Clark, Barrows, and Palumbo: A RESOLUTION adjourning the House of Representatives in loving memory and honor of William T. Young.

Representative Adkins moved the adoption of the following **HR 296**:

HR 296, A RESOLUTION adjourning the House of Representatives in loving memory and honor of William T. Young.

The most prominent glory of a country is in its great men. A nation's spirit and its success will depend on its willingness to learn from their example. In life we shall find many men that are great and some men that are good, but very few men that are both great and good. William T. Young was one of the few.

With deepest respect and admiration, we pay homage and tribute to William T. Young, and we pause in silent reverence for his soul.

WHEREAS, William T. Young was born on February 15, 1918, a native of Lexington, Fayette County, Kentucky, and he traversed these earthly bounds on January 12, 2004; and

WHEREAS, William T. Young was the loving son of the late Willis S. Young and Margaret Thompson Young; he was the devoted husband of 56 years to the late Lucy Maddox Young; he was the loving father of a son, William T. Young Jr., and a daughter, Lucy Young Hamilton; and he was the proud grandfather of Chris Young and Meade Young; and he also leaves behind a loving brother, Richard Young; and

WHEREAS, William T. Young graduated from the University of Kentucky in 1939, where he earned his bachelor's degree in mechanical engineering; he served his country with honor and distinction with the rank of major in the United States Army during World War II, where he worked gathering equipment needed for the war; after the war, he returned to Lexington to found W. T. Young Foods in 1946, which sold Big Top peanut butter, and in 1955, the company was sold to Proctor and Gamble Company, and Big Top peanut butter became Jif; he started W. T. Young Storage Company in 1958, and he also began a shipping operation, Lexington Cartage Company; and he was chairman of Royal Crown Cola Companies of Columbus and Atlanta, Georgia for 20 years; and

WHEREAS, William T. Young was appointed to the unpaid position as Governor John Y. Brown Jr.'s chief adviser on Cabinet matters, and he had also served on the board of Kentucky Fried Chicken; he was a member of the University of Kentucky Development Council and he served on the boards of First Security National Bank and Trust Company, Kentucky-American Water Company, and Lexington Center Corporation; and

WHEREAS, William T. Young brought to his community the enthusiasm and optimism he displayed throughout his life; he had a strong belief of giving back to his community, as was demonstrated through his philanthropy; he was a major donor and fund-raiser for the YMCA, for which he credited much of his success; he donated $5 million for a new $58 million University of Kentucky library, and he created and sought donors for a book endowment, which is now $65 million, the most of any public university in the nation; and he also was a past trustee of the University of Kentucky; he was board chairman of Transylvania University for 23 years, and during that time, he was instrumental in establishing the Thomas Jefferson Scholars as one of the nation's first completely merit-based scholarship programs, and five years later, the board voted to replace Jefferson's name with William T. Young's; he was a past trustee and chairman of Shakertown at Pleasant Hill; and he was past chairman of the Opera House Fund; and

WHEREAS, in his later years, William T. Young started Overbrook Farm, where he bred and raised his own thoroughbreds, and had his own breeding operation; and Overbrook Farm produced winners of the Kentucky Derby, Belmont Stakes, Preakness, and Breeders' Cup; and

WHEREAS, the passing of William T. Young has left a void that cannot be filled, and he is mourned across the length and breadth of the Commonwealth;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. The House of Representatives does hereby express its profound sense of sorrow upon the passing of William T. Young, and expresses to his family and many friends its most heartfelt sympathy.

Section 2. The passion, dedication, intelligence, and social consciousness William T. Young brought to this Commonwealth will never be forgotten, and his influence will continue through all the lives he touched.

Section 3. When the House of Representatives adjourns this day, it does so in loving memory and honor of William T. Young.

Section 4. The Clerk of the House of Representatives is hereby directed to transmit a copy of this Resolution to Mr. William T. Young Jr., Overbrook Farm, 2525 Delong Road, Lexington, Kentucky 40515.

There being no objection, **HR 296** was adopted.

Senate Message

Announcing passage of **HB 309, 460, 596, 619, 671, HJR 113, 136, HB 29, 71, 189, 297, 400, 508, 537, 550, 563, 633, 672, HCR 63, 120, 121, 122,** and **123.**

Message received in regard to **HB 404**: The Senate has passed **HB 404** with the following Senate Floor Amendment No. 5 and Senate Floor Amendment No. 4 Title and respectfully requests concurrence of this Honorable Body.

Message received in regard to **HB 438**: The Senate has passed **HB 438** with the following Senate Floor Amendment No. 1 and respectfully requests concurrence of this Honorable Body.

Message received in regard to **HB 471**: The Senate has passed **HB 471** by way of Senate Committee Substitute and respectfully requests concurrence of this Honorable Body.

Message received in regard to **HB 473**: The Senate has passed **HB 473** with the following Senate Floor Amendment No. 1, Senate Floor Amendment No. 3, and Senate Floor Amendment No. 2 Title and respectfully requests concurrence of this Honorable Body.

Message received in regard to **HB 551**: The Senate has passed **HB 551** by way of Senate Committee Substitute and respectfully requests concurrence of this Honorable Body.

Message received in regard to **HB 644**: The Senate has passed **HB 644** by way of Senate Committee Substitute with Senate Floor Amendment No. 3 and Senate Floor Amendment No. 4 Title and respectfully requests concurrence of this Honorable Body.

Message received in regard to **HB 264**: The Senate has refused to recede from its Senate Committee Substitute and Amendment to **HB 264** and has requested the appointment of a conference committee.

Message received in regard to **HB 365**: The Senate has refused to recede from its Senate Committee Substitute and Amendment to **HB 365** and has requested the appointment of a conference committee.

Message received in regard to **HB 708**: The Senate has refused to recede from its Amendments to **HB 708** and requests the appointment of a Conference Committee.

Message received in regard to **HB 395**: The Clerk refused to accept **HB 395** with the Senate letter, stating that it violated House Rules and Mason's Rules. (8:50 p.m.)

Orders of the Day (Continued)

HB 471, with Senate Committee Substitute attached thereto, taken from the Orders of the Day. Representative Adkins moved that it be placed upon its passage for concurrence or non concurrence. Agreed.

The Senate Committee Substitute to **HB 471** is as follows:

HB 471, AN ACT relating to consumer protection.

WHEREAS, the General Assembly finds that in the interest of public policy and protecting Kentucky consumers, a prohibition on price gouging during a state of emergency is warranted and passage of this Act is necessary;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

As used in Sections 1 to 4 of this Act unless the context requires otherwise:

(1) "Building materials" means lumber, construction tools, windows, and anything else used in the building or rebuilding of property;

(2) "Consumer food item" means any article used or intended for use for food, drink, confection, or condiment by a person or animal;

(3) "Emergency supplies" includes but is not limited to water, flashlights, radios, batteries, candles, blankets, soap, diapers, temporary shelters, tape, toiletries, plywood, nails, and hammers;

(4) "Gasoline" means any fuel used to power any motor vehicle or power tool;

(5) "Goods" has the same meaning as in KRS 355.2-105;

(6) "Housing" means any rental housing and includes any housing provided by a hotel or motel;

(7) "Medical supplies" includes but is not limited to prescription and nonprescription medications, bandages, gauze, isopropyl alcohol, and antibacterial products;

(8) "Person" has the same meaning as in KRS 446.010;

(9) "Repair or reconstruction services" means services performed by any person for repairs to residential or commercial property of any type that is damaged as a result of a natural or man-made disaster or emergency resulting from an event referred to in subsection (11) of this section;

(10) "Services" means work, labor, or services including services furnished in connection with the sale or repair of goods or real property or improvements thereto;

(11) "State of emergency" means a natural or man-made disaster resulting from a tornado, earthquake, flood, fire, riot, storm, act of war, threat of war, military action, the time of instability following a terrorist attack, or any other event for which a state of emergency has been proclaimed by the President of the United States or declared by the Governor. It shall also include the duration of a Condition Red as declared by the United States Department of Homeland Security under the Homeland Security Advisory System; and

(12) "Transportation, freight, and storage services" means any service that is performed by a person that contracts to move, store, or transport personal or business property or rents equipment for those purposes.

SECTION 2. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

(1) (a) When a Condition Red has been declared by the United States Department of Homeland Security under the Homeland Security Advisory System or the Governor has declared a state of emergency under KRS 39A.100, the Governor may implement this section for the duration of the declaration and the area for which the declaration was issued.

(b) No person shall sell, rent, or offer to sell or rent, regardless of whether an actual sale or rental occurs, a good or service listed in this paragraph or any repair or reconstruction service for a price which is grossly in excess of the price prior to the declaration and unrelated to any increased cost to the seller. Goods and services to which this section applies are:

1. Consumer food items;

2. Goods or services used for emergency cleanup;

3. Emergency supplies;

4. Medical supplies;

5. Home heating oil;

6. Building materials;

7. Housing;

8. Transportation, freight, and storage services; and

9. Gasoline or other motor fuels.

(c) A person who increases a price does not violate this subsection if the price increase is attributable to an additional cost imposed by a supplier of a good or other costs of providing the good or service, including an additional cost for labor or materials used to provide a service.

(2) The provisions of this section may be extended for an additional period, not to exceed thirty (30) days, by the Governor if necessary to protect the lives, property, or welfare of the citizens.

(3) If a person sold or rented a good or service listed in subsection (1) of this section at a reduced price in the thirty (30) days prior to the Governor's implementation of this section, the price at which that person usually sells or rents the good or service in the area for which the declaration was issued shall be used in determining if the person is in violation of this section.

(4) If a person did not sell or rent or offer to sell or rent a good or service listed in subsection (1) of this section prior to the Governor's implementation of this section, the price at which a good or service was generally available in the area for which the declaration was issued shall be used in determining if the person is in violation of this section.

SECTION 3. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

Upon the Governor's implementation of the provisions of Section 2 of this Act, renewal of the implementation, or termination of the implementation, the Division of Emergency Management shall immediately notify the public and those registered with the division for the purpose of receiving notice of the implementation, renewal, or termination. The division shall notify the public by any means available, including the division's Web site, news media, and electronic mail. Any person or trade association may register with the division for the purpose of receiving notification.

SECTION 4. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

(1) A willful violation of Section 2 of this Act is punishable by a civil penalty of an amount not to exceed five thousand dollars ($5,000) for the first violation and an amount not to exceed ten thousand dollars ($10,000) for each subsequent violation.

(2) All of the remedies, powers, and duties provided by KRS Chapter 367 shall apply with equal force and effect to an act declared unlawful by Section 2 of this Act.

(3) Nothing in Sections 1 to 4 of this Act shall be construed to limit or restrict the exercise of powers or the performance of the duties of the Attorney General which he or she is authorized to exercise or perform under any other provision of law.

Representative T. Thompson moved that the House concur in the Senate Committee Substitute to **HB 471**. Agreed.

Representative T. Thompson moved that **HB 471**, by way of Senate Committee Substitute, be passed.

On the roll call the vote was: **Yeas 92, Nays 2** (See April 13, 2004, roll call on **HB 471** - Appendix.)

HB 471, by way of Senate Committee Substitute, was passed and the title agreed to.

Representative T. Thompson moved that the vote by which **HB 471**, by way of Senate Committee Substitute, was passed be reconsidered and said motion be placed on the table. Agreed.

Representative Adkins moved that the House consider the Free Conference Committee Report on **HB 708**. Agreed.

HB 708, taken from Orders of the Day. Representative Adkins moved that it be placed upon its passage. Agreed.

Representative Barrows moved the adoption of the following Free Conference Committee Report on **HB 708**.

The Free Conference Committee Report is as follows:

HB 708, The Free Conference Committee on **HB 708** has met as provided in the Rules of the House and Senate and hereby reports the following to be adopted: Adopt the provisions of **HB 708** as amended by the Senate Committee Subsititute with the following changes:

On page 1, line 22, after"*;*" by deleting "*and*";

On page 1, line 24, after "*authority*", by deleting the period "*.*" and placing "*; and*" in lieu thereof; and

On page 1, between lines 24 and 25, by inserting the following:

"*(5) "Call center" means that portion of a qualified subscriber-based service that is physically located in the Commonwealth, where wagers are placed, received, or otherwise made by a customer subscriber base through accounts established with the operator of the hub.*"; and

On page 2, line 18, after "*3007.*" by inserting the following:

"*The call center used in the operations of the hub shall not be located on state property. No more than four (4) hubs shall be licensed in the Commonwealth at any one (1) time.*"; and

On page 3, between lines 20 and 21, by inserting the following:

"*(7) The commission may require the hub to make the following payments to the commission:*

(a) A license fee not to exceed two hundred dollars ($200) per operating day; and

(b) A fee of not more than one percent (1%) of the hub's total gross wagering receipts.

(8) A hub's records and financial information shall not be subject to the provisions of KRS 61.870 to 61.884.

(9) The Auditor of Public Accounts may review and audit all records and financial information of the hub, including all account information. The Auditor shall prepare a report of the review and audit which shall not contain any proprietary information regarding the hub. A copy of the report shall be sent to the Legislative Research Commission for referral to the appropriate committee."; and

On page 3, line 23, before "*The*" by inserting the following:

"*Except as otherwise provided in subsection (7) of Section 4 of this Act,*"; and

On page 4, between lines 5 and 6, by inserting the following:

"*(3) None of the following wagers shall be processed through a hub:*

(a) A wager on live racing accepted by a track;

(b) A telephone account wager accepted by a track;

(c) An intertrack wager accepted by a receiving track or simulcast facility; or

(d) An interstate wager accepted by a receiving track or simulcast facility.

(4) Any hub that processes any of the wagers delineated in subsection (3) of this section from a track, receiving track, or simulcast facility shall be subject to revocation of its hub license.

(5) Except as provided in Section 8 of this Act, nothing in Sections 2 to 7 of this Act shall exempt racetracks or simulcast facilities from any taxes imposed under KRS 137.170, 138.480, 138.510, or Chapter 230."; and

On page 4, after line 11, by inserting the following:

"SECTION 8. A NEW SECTION OF KRS CHAPTER 230 IS CREATED TO READ AS FOLLOWS:

All harness racetracks licensed by the commission shall not be required to pay the excise tax imposed under KRS 138.510(2) and (3) and that amount that would have been paid under that subsection shall be retained by the track to promote and maintain its facilities and its live meet.".

Signed: April 13, 2004 - Representatives Barrows, Feeley, Butler, and Westrom; Senators Stivers Seum, and Tapp. The above-named members, in separate votes by house, all concur in the provisions of this report.

The Free Conference Committee Report on **HB 708** was adopted by voice vote.

Representative Barrows moved that **HB 708**, by way of Free Conference Committee Report, be passed.

On the roll call the vote was: **Yeas 64, Nays 24** (See April 13, 2004, roll call on **HB 708** - Appendix.)

HB 708, by way of Free Conference Committee Report, was passed and title agreed to.

Representative Barrows moved that the vote by which **HB 708**, by way of Free Conference Committee Report, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 438, with Senate Floor Amendment attached thereto, taken from the Orders of the Day. Representative Adkins moved that it be placed upon its passage for concurrence or non concurrence. Agreed.

The Senate Floor Amendment No. 1 to **HB 438** is as follows:

HB 438, On page 1, between lines 12 and 13, by inserting the following:

"*(b) Transferred, with or without compensation, for economic development purposes;*"; and

On page 1, line 13, by changing "*(b)*" to "*(c)*"; and

On page 1, line 15, by changing "*(c)*" to "*(d)*"; and

On page 1, line 18, by changing "*(d)*" to "*(e)*".

Representative Vincent moved that the House concur in Senate Floor Amendment No. 1 to **HB 438**. Agreed.

Representative Vincent moved that **HB 438**, as amended by the Senate, be passed.

On the roll call the vote was: **Yeas 91, Nays 2** (See April 13, 2004, roll call on **HB 438** - Appendix.)

HB 438, as amended by the Senate, was passed and the title agreed to.

Representative Vincent moved that the vote by which **HB 438**, as amended by the Senate, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 404, with Senate Floor Amendments attached thereto, taken from the Orders of the Day. Representative Adkins moved that it be placed upon its passage for concurrence or non concurrence. Agreed.

The Senate Floor Amendment No. 5 to **HB 404** is as follows:

HB 404, On page 1, by deleting line 25 in its entirety; and

On page 2, by deleting line 1 in its entirety; and

On page 1, after line 24, by inserting the following:

"*6. Shows, competitions, sporting events, and similar activities that are associated with youth and amateur*

programs, none of which are regulated by KRS Chapter 230, involving seventy (70) or less participants. Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving more than seventy (70) participants shall be subject to local applicable zoning regulations; or"; and

On page 2, line 2, after the words "***tract of***" by adding the word "***land***"; and

On page 2, line 2, by deleting the words "***less than five (5) contiguous acres***"; and

On page 2, by deleting lines 9 and 10 in their entirety; and

On page 2, after line 8, by inserting the following:

"***6. Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving seventy (70) or less participants. Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving more than seventy (70) participants shall be subject to local applicable zoning regulations.***"; and

On page 5, after line 3, by adding the following:

"Section 2. KRS 100.203 is amended to read as follows:

Cities and counties may enact zoning regulations which shall contain:

(1) A text, which shall list the types of zones which may be used, and the regulations which may be imposed in each zone, which must be uniform throughout the zone. In addition, the text shall make provisions for the granting of variances, conditional use permits, and for nonconforming use of land and structures, and any other provisions which are necessary to implement the zoning regulation. The city or county may regulate:

(a) The activity on the land, including filling or excavation of land, and the removal of natural resources, and the use of watercourses, and other bodies of water, as well as land subject to flooding;

(b) The size, width, height, bulk, location of structures, buildings and signs;

(c) Minimum or maximum areas or percentages of areas, courts, yards, or other open spaces or bodies of water which are to be left unoccupied, and minimum distance requirements between buildings or other structures;

(d) Intensity of use and density of population floor area to ground area ratios, or other means;

(e) Districts of special interest to the proper development of the community, including, but not limited to, exclusive use districts, historical districts, planned business districts, planned industrial districts, renewal, rehabilitation, and conservation districts; planned neighborhood and group housing districts;

(f) Fringe areas of each district, by imposing requirements which will make it compatible with neighboring districts; and

(g) The activities and structures on the land at or near major thoroughfares, their intersections, and interchanges, and transportation arteries, natural or artificial bodies of water, public buildings and public grounds, aircraft, helicopter, rocket and spacecraft facilities, places having unique interest or value, flood plain areas, and other places having a special character or use affecting or affected by their surroundings;

(2) The text may provide that the planning commission, as a condition to the granting of any zoning change, may require the submission of a development plan, which shall be limited to the provisions of the definition contained in KRS 100.111(8). Where agreed upon, this development plan shall be followed. As a further condition to the granting of a zoning change, the planning commission may require that substantial construction be initiated within a certain period of time of not less than one (1) year; provided that such zoning change shall not revert to its original designation unless there has been a public hearing;

(3) A map, which shall show the boundaries of the area which is to be zoned, and the boundaries of each zone;

(4) Text provisions to the effect that land which is used for agricultural purposes shall have no regulations except that:

(a) Setback lines may be required for the protection of existing and proposed streets and highways;

(b) All buildings or structures in a designated floodway or flood plain or which tend to increase flood heights or obstruct the flow of flood waters may be fully regulated; [~~and~~]

(c) Mobile homes and other dwellings may be permitted but shall have regulations imposed which are applicable, such as zoning, building, and certificates of occupancy;***and***

(d) The uses set out in paragraph (c) of subsection (2) of Section 1 of this Act may be subject to regulation as a conditional use;

(5) The text may empower the planning commission to hear and finally decide applications for variances or conditional use permits when a proposed development requires a map amendment and one (1) or more variances or conditional use permits;

(6) In any regulation adopted pursuant to subsection (5) of this section:

(a) The text shall provide that the planning commission shall assume all powers and duties otherwise exercised by the board of adjustments pursuant to KRS 100.231, 100.233, 100.237, 100.241, 100.243, 100.247, and 100.251, in a circumstance provided for by subsection (5) of this section; and

(b) The text shall provide that the applicant for the map amendment, at the time of the filing of the application for the map amendment, may elect to have any variances or conditional use permits for the same development to be heard and finally decided by the planning commission at the same public hearing set for the map amendment, or by the board of adjustments as otherwise provided for in this chapter;

(7) Any judicial proceeding to appeal the planning commission action authorized by subsection (5) of this section in granting or denying any variance or conditional use permit shall be taken pursuant to KRS 100.347(2);

(8) In urban-county governments, in addition to any other powers permitted or required to be exercised by this chapter, the text of the zoning regulations may provide, as a condition to granting a map amendment, that the planning unit may:

(a) Restrict the use of the property affected to a particular use, or a particular class of use, or a specified density within those permitted in a given zoning category;

(b) Impose architectural or other visual requirements or restrictions upon development in areas zoned historic; and

(c) Impose screening and buffering restrictions upon the subject property;

The text shall provide the method whereby such restrictions or conditions may be imposed, modified, removed, amended and enforced.".

Representative Burch moved that the House concur in Senate Floor Amendment No. 5 to **HB 404**. Agreed.

Representative Burch moved that **HB 404**, as amended by the Senate, be passed.

On the roll call the vote was: **Yeas 60, Nays 24** (See April 13, 2004, roll call on **HB 404** - Appendix.)

HB 404, as amended by the Senate, was passed and title agreed to.

Representative Burch moved that the vote by which **HB 404**, as amended by the Senate, was passed be reconsidered and said motion be placed on the table. Agreed.

Without objection, the clincher was removed from **HB 404**.

The Senate Floor Amendment No. 4 Title to **HB 404** is as follows:

HB 404, Amend the title to read "AN ACT relating to land use."

Representative Burch moved that the House concur in Senate Floor Amendment No. 4 Title to **HB 404**. Agreed.

Representative Burch moved that the vote by which **HB 404**, as amended by the Senate, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 551, with Senate Committee Substitute attached thereto, taken from the Orders of the Day. Representative Adkins moved that it be placed upon its passage for concurrence or non concurrence. Agreed.

The Senate Committee Substitute to **HB 551** is as follows:

HB 551, AN ACT relating to certified employees called to active military service.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 161 IS CREATED TO READ AS FOLLOWS:

Notwithstanding any other statute to the contrary, a certified employee of a local board of education who is called to active military duty shall be granted a leave of absence for this purpose and shall be considered to be rendering service to the state.

(1) A local board of education that has granted military leave to a certified employee and has a commitment from the employee to return to work upon the conclusion of military leave may provide the employer's contribution toward the purchase of the state's medical insurance program during the period of military leave as long as the employee or spouse pays the additional cost of dependent coverage.

(2) Upon the employee's return to work, a local school district may pay the member contribution and any accrued interest that is required to be paid to the Kentucky Teachers' Retirement System under KRS 161.507(4)(b) in order for the member to receive retirement service credit for the period of active military duty. This payment shall be paid in lump sum by the school district directly to the retirement system on the member's behalf under the conditions set forth in KRS 161.540(2). This lump sum payment shall not be included in a member's annual compensation as defined under KRS 161.220(10). Under no circumstances shall a member be entitled to service credit under this paragraph that is in violation of the provisions of KRS 161.500.

(3) *For each year of military service or each year of combined military and school service within a school year, the certified employee shall receive a year of service credit for purposes of the district's single salary schedule defined in KRS 157.320.*

(4) *No provisions of this section shall be construed to provide disability benefits under KRS 161.611 or 161.663, survivorship benefits under KRS 161.520, life insurance benefits under KRS 161.555 or any other benefit available from the Kentucky Teachers' Retirement System as a result of active military service, or conditions or injuries resulting from active military service, except for the accrual of service credit which shall be acknowledged by the retirement system subject to the relevant conditions set forth in KRS 161.507.*

Section 2. KRS 161.720 is amended to read as follows:

(1) The term "teacher" for the purpose of KRS 161.730 to 161.810 shall mean any person for whom certification is required as a basis of employment in the public schools of the state, with the exception of the superintendent.

(2) The term "year" as applied to terms of service means actual service of not less than seven (7) school months within a school year; provided, however, that any board of education may grant a leave of absence for professional advancement *or military leave for active duty service* with full credit for service.

(3) The term "limited contract" shall mean a contract for the employment of a teacher for a term of one (1) year only or for that portion of the school year that remains at the time of employment.

(4) The term "continuing service contract" shall mean a contract for the employment of a teacher which shall remain in full force and effect until the teacher resigns or retires, or until it is terminated or suspended as provided in KRS 161.790 and 161.800.

(5) The term "continuing status" means employment of a teacher under a continuing contract.

(6) The term "standard" or "college" certificate for the purpose of KRS 161.730 to 161.810 shall mean any certificate issued upon the basis of graduation from a standard four (4) year college or completion of a local district alternative certification training program.

(7) The term "superintendent" for the purpose of KRS 161.765 shall mean the school officer appointed by a board of education under the authority of KRS 160.350 or any person authorized by law to perform the duties of that officer.

(8) The term "administrator" for the purpose of KRS 161.765 shall mean a certified employee, below the rank of superintendent, who devotes the majority of his employed time to service as a principal, assistant principal, supervisor, coordinator, director, assistant director, administrative assistant, finance officer, pupil personnel worker, guidance counselor, school psychologist, or school business administrator. The term "administrator" shall also include those assistant, associate, or deputy superintendents who do not fall within the definition of "superintendent" as set forth in subsection (7) of this section.

(9) The terms "demote" or "demotion" for the purpose of KRS 161.765 shall mean a reduction in rank from one position on the school district salary schedule to a different position on that schedule for which a lower salary is paid. The terms shall not include lateral transfers to positions of similar rank and pay or minor alterations in pay increments required by the salary schedule.

Section 3. KRS 161.740 is amended to read as follows:

(1) Teachers eligible for continuing service status in any school district shall be those teachers who meet qualifications listed in this section:

(a) Hold a standard or college certificate as defined in KRS 161.720 or meet the certification standards for vocational education teachers established by the Education Professional Standards Board.

(b) When a currently employed teacher is reemployed by the superintendent after teaching four (4) consecutive years in the same district, or after teaching four (4) years which shall fall within a period not to exceed six (6) years in the same district, the year of present employment included, the superintendent shall issue a written continuing contract if the teacher assumes his duties, and the superintendent shall notify the board of the action taken. *A limited status employee on approved military leave shall be awarded service credit for each year of military service or each year of combined military and school service within a school year toward continuing contract status. If the leave time will qualify the teacher for continuing contract status, the local district may require the teacher to complete a one (1) year probationary period upon return. If required, the local district shall notify the teacher in writing within fourteen (14) days following receipt of the military leave request.* Each day served in the General Assembly by a board of education employee during a regular or extraordinary session shall be included in the computation of a year as defined in KRS 161.720(2).

(c) When a teacher has attained continuing contract status in one district and becomes employed in another district, the teacher shall retain that status. However, a district may require a one (1) year probationary period of service in that district before granting that status. For purposes of this subsection, the continuing contract of a teacher shall not be terminated when the teacher leaves employment, all provisions of KRS 161.720 to 161.810 to the contrary notwithstanding, and the continuing service contract shall be transferred to the next school district, under conditions set forth in this section, for a period of up to seven (7) months from the time employment in the first school district has terminated. Nothing contained herein shall be construed to give a teacher a right to reemployment in the first school district during the seven (7) month period following termination.

(d) Service credit toward a continuing contract shall begin only when a teacher is properly certified as defined in KRS 161.720(6) or, in the case of a vocational education teacher, when the required certification standards established by the Education Professional Standards Board have been met.

(2) Vocational education teachers fulfilling the requirements in subsection (1) of this section as of July 15, 1982, shall be eligible for continuing service status.

(3) ***Whether employed under a limited contract or continuing service contract status,*** any teacher or superintendent who has been or may be hereafter inducted into the Armed Forces of this country, shall at the expiration of service be reemployed or reinstated in a comparable position as of the beginning of the next school year, provided application is made at least thirty (30) days before the opening of school, unless physically or mentally incapacitated according to medical notations on official discharge papers. Vacancies created by military leaves shall be filled by teachers or superintendents employed by the board of education under a limited contract of one (1) year or less.

Representative Adkins moved that the House concur in the Senate Committee Substitute to **HB 551**. Agreed.

Representative Adkins moved that **HB 551**, by way of Senate Committee Substitute, be passed.

On the roll call the vote was: **Yeas 93, Nays 0** (See April 13, 2004, roll call on **HB 551** - Appendix.)

HB 551, by way of Senate Committee Substitute, was passed and the title agreed to.

Representative Adkins moved that the vote by which **HB 551**, by way of Senate Committee Substitute, was passed be reconsidered and said motion be placed on the table. Agreed.

Representative Adkins moved to consider the Conference Committee Report to **HB 264**. Agreed.

Representative Adkins moved that the rules be suspended to consider the Free Conference Report to **HB 264**. Agreed.

Representative Graham moved the adoption of the following Free Conference Committee Report on **HB 264**.

The Free Conference committee Report was not in the possession of the House Clerk.

Representative Adkins moved that the House recess for ten minutes. Agreed.

Recess

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Senate Message

Announcing passage of **HB 91** and **703**

Message received in regard to **HB 157**: The Senate has passed **HB 157** by way of Senate Committee Substitute No. 2 with the following Senate Committee Amendment No. 1 Title and respectfully requests concurrence of this Honorable Body.

Message received in regard to **HB 292**: The Senate has passed **HB 292** by way of Senate Committee Substitute with the following Senate Committee Amendment No. 1 and Senate Committee Amendment No. 2 Title and respectfully requests concurrence of this Honorable Body.

Message received in regard to **HJR 7**: The Senate has passed **HJR 7** with the following Senate Committee Amendment No. 1 and Senate Committee Amendment No. 2 Title and respectfully requests concurrence of this Honorable Body.

HJR 7 , with Senate Committee Amendments attached thereto, taken from the Orders of the Day. Representative Adkins moved that it be placed upon its passage for concurrence or non concurrence. Agreed.

The Senate Committee Amendment No. 1 to **HJR 7** is as follows:

HJR 7, On page 2, after line 6, add the following new sections:

"Section 3. The Transportation Cabinet is directed to designate the bridge on United States Route 119 over United States Route 23 in Letcher County (mile marker 28.08) the "Cpl. Joshua D. Harris Memorial Bridge." The cabinet shall, within 30 days of the effective date of this Resolution, erect signs at each end of the bridge identified in this section that read "Cpl. Joshua D. Harris Memorial Bridge."

Section 4. The Transportation Cabinet shall name the segment of Kentucky Route 72 in Harlan County, beginning at the southernmost city limits for the City of Harlan and ending at the junction of Kentucky Route 72 and County Road 1216, the "1932 Yancey Mine Disaster Memorial Highway." The cabinet shall, within 30 days of the effective date of this Resolution, erect signs along the segment of Kentucky Route 72 identified in this section that read "1932 Yancey Mine Disaster Memorial Highway."".

Representative Yonts moved that the House concur in Senate Committee Amendment No. 1 to **HJR 7**.

The motion to concur in Senate Committee Amendment No. 1 to **HJR 7** was defeated by voice vote.

The House refused to concur in Senate Committee Amendment No. 1 to **HJR 7**.

Representative Adkins moved the adoption of the following Conference Committee Report on **HB 264**.

HB 264, The Conference Committee on **HB 264** has met as provided in the Rules of the House and Senate and hereby reports they cannot agree.

Signed: April 13, 2004 - Representatives Graham, Thomas, and Comer; Senators Pendleton, Stivers, and Tapp. The above-named members, in separate votes by house, all concur in the provisions of this report.

The Conference Committee Report on **HB 264** was adopted by voice vote.

Representative Adkins moved the adoption of the following Free Conference Committee Report on **HB 264**.

HB 264, The Free Conference Committee on **HB 264** has met as provided in the Rules of the House and Senate and hereby reports the following to be adopted: Adopt the provisions of **HB 264** as amended by Senate Committee Substitute with the following changes:

On page 3, between lines 4 and 5, by inserting the following:

"*(5) Where a person violates both the provisions of this section and a section of KRS Chapter 512, the person may be prosecuted under the provisions of KRS Chapter 512.*"; and

On page 4, after line 6, by inserting:

"Section 3. KRS 512.010 is amended to read as follows:

The following definitions apply in this chapter unless the context otherwise requires:

(1) "Litter" means rubbish, refuse, waste material, offal, paper, glass, cans, bottles, trash, debris or any foreign substance of whatever kind or description and whether or not it is of value.

(2) "Noxious substance" means any substance capable of generating offensive, noxious or suffocating fumes, gases or vapors.

(3) "Property" includes cattle.

Section 4. KRS 13A.312 is amended to read as follows:

(1) If authority over a subject matter is transferred to another administrative body *or if the name of an administrative body is changed* by statute or by executive order during the interim between regular sessions of the General Assembly, the *administrative regulations of that* administrative body *in effect on the effective date of the statutory change or the executive order shall remain in effect as they exist until the administrative body that has been granted authority over the subject matter amends or repeals the administrative regulations pursuant to KRS Chapter 13A.*

(2) Pursuant to the statutory change or executive order, the regulations compiler shall alter the administrative regulations referenced in subsection (1) of this section to:

(a) Change the name of the administrative body pursuant to the provisions of the statute or executive order; and

(b) Make any other technical changes necessary to carry out the provisions of the statute or executive order.

(3) The administrative body that has been granted statutory authority over the subject matter shall provide to the regulations compiler in writing:

(a) A listing of the administrative regulations that require any changes; and

(b) The specific names, terms, or other information to be changed with those changes properly referenced.

(4) The administrative body that has been granted statutory authority over the subject matter shall submit new forms to replace forms previously incorporated by reference in an administrative regulation if the only changes on the form are the name and mailing address of the administrative body. If there are additional changes to a form incorporated by reference, the administrative body shall promulgate an amendment to the existing administrative regulation and make the changes to the material incorporated by reference in accordance with KRS 13A.2255.

(5) If an administrative body is abolished by statute or executive order, and the authority over its subject matter is not transferred to another administrative body, the Governor, or the secretary of the cabinet to which the administrative body was attached, shall promulgate an administrative regulation to repeal the existing administrative regulations that were promulgated by the abolished administrative body. The repeal shall be accomplished as provided by KRS 13A.310
[~~:~~

~~(a) From which authority has been transferred shall repeal the existing administrative regulations governing the subject matter;~~

~~(b) That has been granted authority over the subject matter shall promulgate administrative regulations governing the subject matter;~~

~~(2) Agencies promulgating administrative regulations to comply with paragraphs (a) and (b) of subsection (1) of this section shall file the repeal and the new administrative regulation at the same time.~~

~~(3) Administrative regulations repealed under the provisions of this subsection shall be repealed as provided by KRS 13A.310(3)~~]."; and

Amend the title to read "AN ACT relating to governmental authority.".

Signed: April 13, 2004 - Representatives Graham, Thomas, and Comer; Senators Tapp, Pendleton, and Stivers. The above-named members, in separate votes by house, all concur in the provisions of this report.

The Free Conference Committee Report on **HB 264** was adopted by voice vote.

Representative Graham moved that **HB 264**, by way of Free Conference Committee Report, be passed.

On the roll call the vote was: **Yeas 90, Nays 1.** (See April 13, 2004 roll call on **HB 264**-Appendix.)

HB 264, by way of Free Conference Committee Report was passed, and title agreed to.

Representative Graham moved that the vote by which **HB 264**, by way of Free Conference Committee Report, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 157, with Senate Committee Substitutes and Senate Committee Amendment attached thereto, taken from the Orders of the Day. Representative Adkins moved that it be placed upon its passage for concurrence or non concurrence. Agreed.

The Senate Committee Substitute No. 1 to **HB 157** is as follows:

HB 157, AN ACT relating to services for individuals with brain injuries and making an appropriation therefor.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 189A.050 is amended to read as follows:

(1) All persons convicted of violation of KRS 189A.010(1)(a), (b), (c), or (d) shall be sentenced to pay a service fee of *three hundred twenty-five*[~~two hundred fifty~~] dollars *($325)*[~~($250)~~], which shall be in addition to all other penalties authorized by law.

(2) The fee shall be imposed in all cases but shall be subject to the provisions of KRS 534.020 relating to the method of imposition and KRS 534.060 as to remedies for nonpayment of the fee.

(3) The revenue collected from the service fee imposed by this section shall be utilized as follows:

(a) *Twelve*[~~Fifteen~~] percent *(12%)*[~~(15%)~~] of the amount collected shall be transferred to the Kentucky State Police forensic laboratory for the acquisition, maintenance, testing, and calibration of alcohol concentration testing instruments and the training of laboratory personnel to perform these tasks;

(b) *Twenty*[~~Twenty-five~~] percent *(20%)*[~~(25%)~~] of the service fee collected pursuant to this section shall be allocated to the Department of Public Advocacy;

(c) One percent (1%) shall be transferred to the Prosecutor's Advisory Council for training of prosecutors for the prosecution of persons charged with violations of this chapter and for obtaining expert witnesses in cases involving the prosecution of persons charged with violations of this chapter or any other offense in which driving under the influence is a factor in the commission of the offense charged;

(d) *Sixteen percent (16%) of the amount collected shall be transferred as follows:*

1. Fifty percent (50%) shall be credited to the Traumatic Brain Injury Trust Fund established under KRS 211.476; and

2. Fifty percent (50%) shall be credited to the Cabinet for Health Services, Department for Mental Health and Mental Retardation Services, for the purposes of providing direct services to individuals with brain

injuries that may include long-term supportive services and training and consultation to professionals working with individuals with brain injuries. As funding becomes available under this subparagraph, the Cabinet may promulgate administrative regulations pursuant to KRS Chapter 13A to implement the services permitted by this subparagraph.

(e) Any amount specified by a specific statute shall be transferred as provided in that statute;[~~ and~~]

(f)[~~(e)~~] ***Forty-six percent (46%) of the amount collected shall be transferred to***[~~The remainder of the service fee shall~~] be utilized to fund enforcement of this chapter and for the support of jails, recordkeeping, treatment, and educational programs authorized by this chapter and by the Department of Public Advocacy***; and***

(g) The remainder of the amount collected shall be transferred to the general fund.

(4) The amounts specified in subsection (3)(a), (b),[~~ and~~] (c)***, and (d)*** of this section shall be placed in trust and agency accounts that shall not lapse.

Section 2. The moneys received from the fines levied under subparagraphs 1. and 2. of paragraph (d) of subsection (3) of Section 1 of this Act are hereby appropriated for the purposes provided in those subparagraphs.

Representative De. Butler moved that the House concur in the Senate Committee Substitute No. 1 to **HB 157**. Agreed.

Representative De. Butler moved that **HB 157**, by way of Senate Committee Substitute, be passed.

Representative De. Butler moved to recede from Senate Committee Substitute No. 1 to **HB 157**. Agreed.

The Senate Committee Substitute No. 2 to **HB 157** is as follows:

HB 157, AN ACT relating to services for individuals with brain injuries and making an appropriation therefor.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 189A.050 is amended to read as follows:

(1) All persons convicted of violation of KRS 189A.010(1)(a), (b), (c), or (d) shall be sentenced to pay a service fee of ***three hundred twenty-five***[~~two hundred fifty~~] dollars ***($325)***[~~($250)~~], which shall be in addition to all other penalties authorized by law.

(2) The fee shall be imposed in all cases but shall be subject to the provisions of KRS 534.020 relating to the method of imposition and KRS 534.060 as to remedies for nonpayment of the fee.

(3) The revenue collected from the service fee imposed by this section shall be utilized as follows:

(a) ***Twelve***[~~Fifteen~~] percent ***(12%)***[~~(15%)~~] of the amount collected shall be transferred to the Kentucky State Police forensic laboratory for the acquisition, maintenance, testing, and calibration of alcohol concentration testing instruments and the training of laboratory personnel to perform these tasks;

(b) ***Twenty***[~~Twenty-five~~] percent ***(20%)***[~~(25%)~~] of the service fee collected pursuant to this section shall be allocated to the Department of Public Advocacy;

(c) One percent (1%) shall be transferred to the Prosecutor's Advisory Council for training of prosecutors for the prosecution of persons charged with violations of this chapter and for obtaining expert witnesses in cases involving the prosecution of persons charged with violations of this chapter or any other offense in which driving under the influence is a factor in the commission of the offense charged;

(d) ***Sixteen percent (16%) of the amount collected shall be transferred as follows:***

1. Fifty percent (50%) shall be credited to the Traumatic Brain Injury Trust Fund established under KRS 211.476; and

2. Fifty percent (50%) shall be credited to the Cabinet for Health Services, Department for Mental Health and Mental Retardation Services, for the purposes of providing direct services to individuals with brain injuries that may include long-term supportive services and training and consultation to professionals working with individuals with brain injuries. As funding becomes available under this subparagraph, the Cabinet may promulgate administrative regulations pursuant to KRS Chapter 13A to implement the services permitted by this subparagraph.

(e) Any amount specified by a specific statute shall be transferred as provided in that statute;[~~ and~~]

(f)[~~(e)~~] ***Forty-six percent (46%) of the amount collected shall be transferred to***[~~The remainder of the service fee shall~~] be utilized to fund enforcement of this chapter and for the support of jails, recordkeeping, treatment, and educational programs authorized by this chapter and by the Department of Public Advocacy***; and***

(g) The remainder of the amount collected shall be transferred to the general fund.

(4) The amounts specified in subsection (3)(a), (b),[~~ and~~] (c)***, and (d)*** of this section shall be placed in trust and agency accounts that shall not lapse.

SECTION 2. A NEW SECTION OF KRS CHAPTER 210 IS CREATED TO READ AS FOLLOWS:

(1) As used in this section:

(a) "Prisoner" has the same meaning a set out in KRS 441.005; and

(b) "Qualified mental health professional" has the same meaning as set out in KRS 202A.011.

(2) The Cabinet for Health Services shall create a telephonic behavioral health jail triage system to screen prisoners for mental health risk issues, including suicide risk. The triage system shall be designed to give the facility receiving and housing the prisoner an assessment of his or her mental health risk, with the assessment corresponding to recommended protocols for housing, supervision, and care which are designed to mitigate the mental health risks identified by the system. The triage system shall consist of:

(a) A screening instrument which the personnel of a facility receiving a prisoner shall utilize to assess inmates for mental health, suicide, mental retardation, and acquired brain injury risk factors; and

(b) A continuously available toll-free telephonic triage hotline staffed by a qualified mental health professional which the screening personnel may utilize if the screening instrument indicates an increased mental health risk for the assessed prisoner.

(3) In creating and maintaining the telephonic behavioral health jail triage system, the cabinet shall consult with:

(a) The Department of Corrections;

(b) The Kentucky Jailers Association;

(c) The Kentucky Commission on Services and Supports for Individuals with Mental Illness, Alcohol and Other Drug Abuse Disorders, and Dual Diagnoses; and

(d) The regional community mental health and mental retardation services programs created under KRS 210.370 to 210.460.

(4) The cabinet may delegate all or a portion of the operational responsibility for the triage system to the regional community mental health and mental retardation services programs created under KRS 210.370 to 210.460 if the regional program agrees and the cabinet remains responsible for the costs of delegated functions.

(5) The cabinet shall design into the implemented triage system the ability to screen and assess prisoners who communicate other than in English or who communicate other than through voice.

(6) The cost of operating the telephonic behavioral health jail triage system shall be borne by the cabinet.

(7) Records generated under this section shall be treated in the same manner and with the same degree of confidentiality as other medical records of the prisoner.

(8) Unless the prisoner is provided with an attorney during the screening and assessment, any statement made by the prisoner in the course of the screening or assessment shall not be admissible in a criminal trial of the prisoner, unless the trial is for a crime committed during the screening and assessment.

(9) The cabinet may, after consultation with those entities set out in subsection (3) of this section, promulgate administrative regulations for the operation of the telephonic behavioral health jail triage system and the establishment of its recommended protocols for prisoner housing, supervision, and care.

SECTION 3. A NEW SECTION OF KRS CHAPTER 441 IS CREATED TO READ AS FOLLOWS:

Every prisoner upon admittance to detention shall be screened for mental health risk issues, including mental illness, suicide, mental retardation, and acquired brain injury, by the personnel of the facility in which facility the prisoner is detained. Facilities have the discretion of using the telephonic behavioral health jail triage system created in Section 2 of this Act. Where the triage system indicates levels of behavioral health risk, the facility holding the prisoner may consider implementing the recommended protocols for housing, supervision, and care delivery that match the level of risk.

SECTION 4. A NEW SECTION OF KRS CHAPTER 23A IS CREATED TO READ AS FOLLOWS:

In addition to the twenty dollar ($20) fee created by 2004 Ky. Acts ch. 78, sec. 1, in criminal cases a five dollar ($5) fee shall be added to the costs imposed by KRS 23A.205 that the defendant is required to pay. The fees collected under this section shall be allocated to the Cabinet for Health Services for the implementation and operation of a telephonic behavioral health jail triage system as provided in Sections 2 and 3 of this Act.

SECTION 5. A NEW SECTION OF KRS CHAPTER 24A IS CREATED TO READ AS FOLLOWS:

In addition to the twenty dollar ($20) fee created by 2004 Ky. Acts ch. 78, sec. 2, in criminal cases a five dollar ($5) fee shall be added to the costs imposed by KRS 24A.175 that the defendant is required to pay. The fees collected under this section shall be allocated to the Cabinet for Health Services for the implementation and operation of a telephonic behavioral health jail triage system as provided in Sections 2 and 3 of this Act.

Section 6. The moneys received from the fines levied under subparagraphs 1. and 2. of paragraph (d) of subsection (3) of Section 1 of this Act are hereby appropriated for the purposes provided in those subparagraphs.

Representative De. Butler moved that the House concur in the Senate Committee Substitute No. 2 to **HB 157**. Agreed.

Representative De. Butler moved that **HB 157**, by way of Senate Committee Substitute, be passed.

On the roll call the vote was: **Yeas 56, Nays 26** (See April 13, 2004, roll call on **HB 157** - Appendix.)

HB 157, by way of Senate Committee Substitute, was passed.

The Senate Committee Amendment No. 1 Title to **HB 157** is as follows:

HB 157, Amend the title to read:
"AN ACT relating to services for individuals with brain injuries or malfunctions and making an appropriation therefor.".

Representative De. Butler moved that the House concur in Senate Committee Amendment No. 1 Title to **HB 157**. Agreed.

Representative De. Butler moved that the vote by which **HB 157**, by way of Senate Committee Substitute, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

Report On Enrolled Bills

The Committee on Enrollment reported that **SB 156, 133, 245, 247, SJR 83, HB 29, 71, 189, 297, 309, 400, 460, 508, 537, 550, 563, 596, 619, 633, 671, 672, HCR 63, HJR 113, HCR 120, 121, 122, 123,** and **HJR 136** have been examined and found correctly enrolled. Said Bills and Resolutions were read at length, compared and signed in open session by the Speaker, and ordered delivered to the Senate. (Time -10:20 p.m.)

Orders of the Day (Continued)

HB 292, with Senate Committee Substitute and Senate Committee Amendments attached thereto, taken from the Orders of the Day. Representative Adkins moved that it be placed upon its passage for concurrence or non concurrence. Agreed.

The Senate Committee Substitute to **HB 292** is as follows:

HB 292, AN ACT relating to the corporate license tax and declaring an emergency.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 142 IS CREATED TO READ AS FOLLOWS:

(1) As used in this section, "nursing facility services" means services provided by a licensed skilled care facility, nursing facility, nursing home, or intermediate care facility, excluding intermediate care facilities for the mentally retarded.

(2) In addition to the tax imposed KRS 142.307 on nursing facility services, a provider assessment is hereby imposed at a uniform rate per non-Medicare patient day equal to two percent (2.0%) of gross revenues received by all nursing facilities on or after July 1, 2004 for the provision of nursing facility services.

(3) In addition to the assessment levied under subsection (2) of this section, and the tax imposed by KRS 142.307, an additional assessment on nursing facility services shall be imposed per non-Medicare patient day not to exceed four percent (4%) of gross revenue from the provision of nursing facility services. This assessment shall be imposed on all nursing facilities except acute-care based skilled nursing facilities, intermediate care facilities, or nursing facilities. The second assessment is not required to be uniform, and the rate of assessment per non-Medicare day may be variable based upon a facility's total annual census days if deemed an acceptable waivered class by the Centers for Medicare and Medicaid Services.

(4) All revenues collected pursuant to subsections (2) and (3) of this section shall be deposited in the Medical Assistance Revolving Trust Fund (MART) and transferred on a quarterly basis to the Department for Medicaid Services.

(5) The Department for Medicaid Services shall promulgate administrative regulations to ensure that a portion of the revenues generated from the assessment imposed by subsection (3) of this section and federal matching funds be used to increase reimbursement rates for nursing facilities. The regulations shall, at a minimum:

  (a) Provide that the rate increases shall be used to fully phase in those providers whose current rates are less than the Medicaid price-based rates;

  (b) Correct for inflation adjustments for the past two (2) years; and

  (c) Re-base the rates to recognize current wage and benefit levels in the industry.

(6) The remaining revenue generated by the assessments levied under subsections (2) and (3) of this section and federal matching funds shall be used to supplement the medical assistance related general fund appropriations of the Department for Medicaid Services. Notwithstanding KRS 48.500 and 48.600, the MART fund shall be exempt from any state budget reduction acts.

(7) On or before July 1, 2004, the Cabinet for Health and Family Services, Department for Medicaid Services shall submit an application to the Federal Centers for Medicare and Medicaid Services to request a waiver of the uniformity tax requirement pursuant to 42 CFR 433.68(e)(2). If an application to the Centers for Medicare and Medicaid Services for

a waiver of the uniformity requirements is denied, the Department for Medicaid Services may resubmit the application with appropriate changes to receive an approved waiver.

(8) Assessments imposed pursuant to this section shall begin on July 1, 2004, but are not due and payable until rates are increased as provided in subsection (5) of this section.

(9) The provisions of this section shall be considered null and void if the uniformity waiver or plan amendment to increase rates is not approved by the Centers for Medicare and Medicaid Services.

SECTION 2. A NEW SECTION OF KRS CHAPTER 142 IS CREATED TO READ AS FOLLOWS:

(1) In addition to the tax imposed by KRS 142.307 on intermediate care facility services for the mentally retarded, an additional assessment is hereby imposed at a uniform rate of five and one-half percent (5.5%) on gross revenues received by each provider after July 1, 2004, for the provision of intermediate care facility services for the mentally retarded and the provision of services through, or identical to those provided under, the Supports for Community Living Waiver Program.

(2) All revenues collected pursuant to subsection (1) of this section shall be deposited in the Medical Assistance Revolving Trust Fund (MART) and transferred on a quarterly basis to the Department for Medicaid Services.

(3) The Department for Medicaid Services shall promulgate regulations to ensure that a portion of the revenues generated from the assessment levied under this section and federal matching funds shall be used for rate increases for intermediate care facility services for the mentally retarded and providers of services through, or identical to those provided under, the Supports for Community Living Waiver Program to recognize cost increases including current wage and benefit levels in the industry.

(4) The remaining revenue generated from the assessment levied under this section and federal matching funds shall be used to supplement the medical assistance related General Fund appropriations of the Department for Medicaid Services. Notwithstanding KRS 48.500 and 48.600, the MART fund shall be exempt from any state budget reduction acts.

(5) On or before the July 1, 2004, the Cabinet for Health and Family Services, Department for Medicaid Services shall submit an application to the Centers for Medicare and Medicaid Services to request a waiver of the uniformity requirement pursuant to 42 CFR 433.68(e)(2).

(6) If an application to the Centers for Medicare and Medicaid Services for a waiver of the uniformity requirements is denied, the Department for Medicaid Services may resubmit the application with appropriate changes to receive an approved waiver.

(7) The assessment imposed pursuant to this section shall begin on July 1, 2004, but is not due and payable until rates are increased pursuant to this provision.

(8) The provisions of this section shall be considered null and void if the uniformity waiver or plan amendment to increase rates is not approved by the Centers for Medicare and Medicaid Services.

SECTION 3. A NEW SECTION OF SUBCHAPTER 20 OF KRS CHAPTER 154 IS CREATED TO READ AS FOLLOWS:

Notwithstanding the provisions of KRS 154.20-254, 154.20-255, and 154.20-258, an investment fund approved by the Kentucky Economic Development Finance Authority after July 1, 2004, and otherwise qualified for tax credits pursuant to the Kentucky Investment Fund Act as set forth in KRS 154.20-250 to 154.20-284, may invest up to one hundred percent (100%) of its committed cash contributions in a single knowledge-based entity. A city, county, other local governmental entity, or any entity approved by the Kentucky Economic Development Finance Authority, may invest in an investment fund created for this purpose and may transfer, for some or no consideration, any or all of the tax credits received pursuant to Kentucky Investment Fund Act to a private entity. The Kentucky Economic Development Finance Authority shall have discretion to approve or deny applications for entities seeking credits pursuant to this section.

Section 4. KRS 136.071 is amended to read as follows:

(1) Notwithstanding any other provisions of this chapter, a *bank holding company as defined in KRS 287.900 that*[~~corporation whose commercial domicile is in this state and~~] holds directly or indirectly stock or securities in *financial institutions subject to the tax imposed by KRS 136.500 to 136.570*[~~other corporations~~] equal to or greater than fifty percent (50%) of its total assets may, at the option of the taxpayer,[~~ be considered as one (1) corporation for purposes of determining and apportioning total "capital," or~~] compute its "capital" under KRS 136.070(2) as follows:

(a) Determine the corporation's total capital as provided in KRS 136.070(2).

(b) Deduct from the amount determined in subsection (a) of this section, the book value of its investment in the stock and securities of any *financial institutions subject to the tax imposed by KRS 136.500 to 136.570*[~~corporation~~] in which it owns more than fifty percent (50%) of the outstanding stock[~~ of such corporation~~].

(2) For purposes of determining the ratio of stock and securities to total assets, the value shall be the value of the accounts as reflected on financial statements prepared for book purposes as of the last day of the calendar or fiscal year. The term "stock and securities" as used in this section means shares of stock in any corporation, certificates of stock or interest in any corporation, notes, bonds, debentures, and evidences of indebtedness. The term "book value" means the value as

shown on financial statements prepared for book purposes as of the last day of the calendar or fiscal year.

Section 5. Section 4 of this Act shall be retroactively effective for tax periods beginning on or after January 1, 2003.

Section 6. Whereas corporate license tax returns are due April 15, 2004, it is necessary for this Act to become effective immediately. Therefore, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming law.

Section 7. Notwithstanding any statutory law or administrative regulations, any debt approved and funded by the Bluegrass State Skills Corporation or the Kentucky Economic Development Finance Authority may be renegotiated, amended, or forgiven with approval of their respective Boards. Any debt collected on behalf of the Kentucky Economic Development Finance Authority, or Bluegrass State Skills Corporation shall be returned to them subject to any reasonable fees due for services rendered by other agencies or private vendors in collecting the debt on their behalf and shall not be deemed general funds.

Representative Moberly moved that the House concur in the Senate Committee Substitute to **HB 292**. Agreed.

The Senate Committee Amendment No. 1 to the Senate Committee Substitute to **HB 292** is as follows:

HB 292, On page 5, between lines 18 and 19; insert the following:

"Section 5. KRS 136.290 is amended to read as follows:

(1) Every federally or state chartered savings and loan association, savings bank, and other similar institutions operating solely in Kentucky shall, during January of each year, file with the Revenue Cabinet a report containing such information and in such form as the cabinet may require.

(2) The cabinet shall fix the total value, as of January 1 of each year, of the capital of each financial institution included in subsection (1) of this section. Capital shall include certificates of deposit, savings accounts, demand deposits, undivided profits, surplus, and general reserves, excepting the share of borrowing members where the amount borrowed equals or exceeds the amount paid in by those members. ***For Agricultural Credit Associations chartered by the Farm Credit Administration, capital shall be computed by deducting the book value of the association's investment in any other wholly owned institution chartered by the Farm Credit Administration that is either subject to the tax imposed by KRS 136.300 or Section 6 of this Act or that is exempt from state taxation by federal law.*** The cabinet shall immediately notify each institution of the value so fixed.

Section 6. KRS 136.310 is amended to read as follows:

(1) Every federally or state chartered savings and loan association, savings bank, and other similar institution authorized to transact business in this state, with property and payroll within and without this state, shall, during January of each year, file with the Revenue Cabinet a report containing information and in such form as the cabinet may require.

(2) The Revenue Cabinet shall fix the fair cash value, as of January 1 of each year, of the capital attributable to Kentucky in each financial institution included in subsection (1) of this section. The methodology employed by the cabinet shall be a three (3) step process as follows:

(a) The total value of deposits maintained in Kentucky less any amounts where the amount borrowed equals or exceeds the amount paid in by those members.

(b) The Kentucky apportioned value of capital shall include undivided profits, surplus, general reserves, and paid-up stock. ***For Agricultural Credit Associations chartered by the Farm Credit Administration, capital shall be computed by deducting the book value of the association's investment in any other wholly owned institution chartered by the Farm Credit Administration that is either subject to the tax imposed by KRS 136.300 or this section or that is exempt from state taxation by federal law.*** The Kentucky value of capital shall be determined by a fraction, the numerator of which is the receipts factor plus the outstanding loan balance factor plus the payroll factor, and the denominator of which is three (3).

(c) The values determined in steps (a) and (b) of this subsection shall be added together to determine total Kentucky capital and then reduced by the influence of ownership in tax-exempt United States obligations to determine Kentucky taxable capital. The influence of tax-exempt United States obligations is to be determined from the reports of condition filed with the applicable supervisory agency as follows: the average amount of tax-exempt United States obligations for the calendar year, over the average amount of total assets for the calendar year multiplied by total Kentucky capital. The cabinet shall immediately notify each institution of the value so fixed.

(3) The receipts factor specified in subsection (2)(b) of this section is a fraction, the numerator of which is all receipts derived from loans and other sources negotiated through offices or derived from customers in Kentucky, and the denominator of which is total business receipts for the preceding calendar year.

(4) The outstanding loan balance factor specified in subsection (2)(b) of this section is a fraction, the numerator of which is the average balance of outstanding loans negotiated from offices or made to customers in Kentucky. The denominator is the average balance of all outstanding loans. The average outstanding loan balance is determined by adding the outstanding loan balance at the beginning of the preceding calendar year to the outstanding loan balance at the end of the preceding calendar year and dividing by two (2). However, if the yearly beginning balance and ending balance results in an

inequitable factor, the average outstanding loan balance may be computed on a monthly average balance.

(5) The payroll factor specified in subsection (2)(b) of this section shall be determined for the preceding calendar year under the provisions of KRS 141.120(8)(b) and regulations promulgated thereunder.

(6) By July 1 succeeding the filing of the report as provided in subsection (1) of this section, each financial institution included in subsection (1) of this section shall pay directly into the State Treasury a tax of one dollar ($1) for each one thousand dollars ($1,000) paid in on its Kentucky taxable capital as fixed in subsection (2)(c) of this section. The institution shall not be required to pay local taxes upon its capital stock, surplus, undivided profits, notes, mortgages, or other credits, and the tax provided by this section shall be in lieu of all taxes for state purposes on intangible property of the institution, nor shall any depositor of the institution be required to list his deposits for taxation under KRS 132.020. Failure to make reports and pay taxes as provided in this section shall subject the institution to the same penalties imposed for such failure on the part of the other corporations.

(7) If a financial institution included in subsection (1) of this section selects, it may deduct taxes imposed in subsection (6) of this section from the dividends paid or credited to a nonborrowing shareholder.

(8) Every Agricultural Credit Association chartered by the Farm Credit Administration being authorized to transact business in Kentucky but having no employees located within or without the state shall be subject to the same tax imposed pursuant to either KRS 136.300 or this section as that imposed upon its wholly owned Production Credit Association subsidiary. For purposes of computing Kentucky apportioned value of capital pursuant to subsection (2) of this section, those Agricultural Credit Associations subject to the tax imposed by this section shall utilize that Kentucky apportionment fraction computed and utilized by its wholly owned Production Credit Association subsidiary for the same report period."; and

Renumber subsequent sections accordingly.

Representative Moberly moved that the House concur in the Senate Committee Amendment No. 1 to the Senate Committee Substitute to **HB 292**. Agreed.

Representative Moberly moved that **HB 292**, by way of Senate Committee Substitute, as amended, be passed.

On the roll call the vote was: **Yeas 95, Nays 0** (See April 13, 2004, roll call on **HB 292** - Appendix.)

HB 292, by way of Senate Committee Substitute, as amended, was passed.

The Senate Committee Amendment No. 2 Title to **HB 292** is as follows:

HB 292, Amend the title to read as follows: "AN ACT relating to revenue and taxation and declaring an emergency."

Representative Moberly moved that the House concur in Senate Committee Amendment No. 2 Title to **HB 292**. Agreed.

Representative Moberly moved that the vote by which **HB 292**, by way of Senate Committee Substitute, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

Representative Adkins moved that when the House adjourns that they adjourn sine die until January 4, 2005, or until called into extraordinary session by the Governor. Agreed.

Representative Adkins moved that no more business be conducted with the exception of the receipt of Senate Messages, enrolling, and engrossing of bills, and adjourning sine die. Agreed.

Representative Adkins moved that the House recess to await Senate Messages. Agreed.

Recess

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Senate Message

Announcing passage of **SR 256**

Message received in regard to **HB 264**: The Senate has adopted the Free Conference Committee Report on **HB 264** and is notifying this Honorable Body that it has passed the bill.

Message received in regard to **HJR 104**: The Senate has passed **HJR 104** by way of Senate Committee Substitute and respectfully requests concurrence of this Honorable Body.

Message received in regard to **HJR 105**: The Senate has passed **HJR 105** by way of Committee Substitute and respectfully requests concurrence of this Honorable Body.

Message received in regard to **HB 105**: The Senate has passed **HB 105** by way of Senate Committee Substitute with the following Senate Floor Amendment No. 1 and respectfully requests concurrence of this Honorable Body.

Message received in regard to **HJR 7**: The Senate does not recede from the Amendments on **HJR 7** and is respectfully asking for a Conference Committee to be appointed. (Time: - 11:40 p.m.)

Report On Enrolled Bills

The Committee on Enrollment reported that **HB 404, 438, 471, 551,** and **708** have been examined and found correctly enrolled. Said Bills were read at length, compared and signed in open session by the Speaker, and ordered delivered to the Senate. (Time - 11:00 p.m.)

HB 90, 97, 376, 242, 258, 627, 29, 71, 189, 297, 309, 400, 460, 508, 537, 550, 563, 596, 619, 633, 671, 672, HCR 63, HJR 113, HCR 120, 121, 122, 123, and **HJR 136** delivered to the Senate and signed by the President. Delivered to the Governor on April 13, 2004 at 11:00 p.m.

HB 404, 438, 471, 551, and **708** delivered to the Senate and signed by the President. Delivered to the Governor on April 13, 2004 at 11:15 p.m.

The Committee on Enrollment reported that **SB 52, SJR 148, 156, SB 228,** and **75** have been examined and found correctly enrolled. Said Bills and Resolution were read at length, compared and signed in open session by the Speaker, and ordered delivered to the Senate. (Time - 11:40 p.m.)

The Committee on Enrollment reported that **HB 91, 157, 292, 703,** and **264** have been examined and found correctly enrolled. Said Bills were read at length, compared and signed in open session by the Speaker, and ordered delivered to the Senate.

HB 91, 157, 292, 703, and **264** delivered to the Senate and signed by the President. Delivered to the Governor on April 14, 2004 at 11:50 p.m.

Floor Amendments

House Floor Amendment No. 1 to **SB 89**, by Representative Lindsay:

SB 89, On page 1, after the enacting clause, by deleting all language after the enacting clause, and inserting the following in lieu thereof:

"Section 1. It is proposed that Section 109 of the Constitution of Kentucky be amended to read as follows:

(1) The judicial power of the Commonwealth shall be vested exclusively in one Court of Justice which shall be divided into a Supreme Court, a Court of Appeals, a trial court of general jurisdiction known as the Circuit Court and a trial court of limited jurisdiction known as the District Court. The court shall constitute a unified judicial system for operation and administration.

(2) The impeachment powers of the General Assembly shall remain inviolate.

(3) The court shall have the power to determine if acts of the General Assembly are in compliance with this Constitution and the Constitution of the United States, and to rule invalid any act found unconstitutional, but shall not order substitution of alternative law for any act found unconstitutional. The court shall not order the General Assembly or a member thereof to pass any law, including but not limited to the creation, increase, or decrease of any tax or fee.

(4) The appropriation powers of the General Assembly shall remain inviolate. The proportion of the Commonwealth's total revenue that is provided by the General Assembly for any act or program shall be within the sole discretion of the General Assembly, and the court shall not determine otherwise.

Section 2. It is proposed that Section 43 of the Constitution of Kentucky be amended to read as follows:

(1) The members of the General Assembly shall, in all cases except treason, felony, breach or surety of the peace, be privileged from arrest during their attendance on the sessions of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House they shall not be questioned in any other place.

(2) Any party choosing to challenge the constitutionality, validity, or application of any act of the General Assembly shall name as parties defendant the Attorney General and, as appropriate, the branch, agency, officers, or entities designated by act of the General Assembly to administer the act or program challenged. The General Assembly, members of the General Assembly, the Legislative Research Commission, organizations within the legislative department of government, or officers or

employees within the legislative department of government shall not without its, his, or her consent be made a party to any action challenging or seeking a declaration concerning the constitutionality, validity, or application of any act of the General Assembly, or the action or failure to take action by the General Assembly or any member thereof with respect to any duty under this Constitution.

Section 3. This amendment shall be submitted to the voters of the Commonwealth for their ratification or rejection at the time and in the manner provided for under Sections 256 and 257 of the Constitution and under KRS 118.415. The question to be on the ballot shall be as follows: "Are you in favor of amending Section 109 of the Constitution of Kentucky to prohibit courts from ordering substitution of alternative law for any act found unconstitutional, from ordering the General Assembly to pass any law, including the creation, increase, or decrease of any tax or fee, and from abridging the power of the General Assembly to appropriate public funds; and amending Section 43 to designate the parties to be named when challenging the constitutionality of a law and allowing the legislative department, with its consent, to also be named to defend the constitutionality of a law?". A "yes" vote favors the proposed changes. A "no" vote opposes the proposed changes.".

House Floor Amendment No. 2 Title to **SB 89**, by Representative Lindsay:

SB 89, By amending the title to read: "AN ACT proposing an amendment to Sections 109 and 43 of the Constitution of Kentucky relating to the governmental authority of the Commonwealth of Kentucky."

Motions, Petitions, and Communications

The following members filed requests to have their names added as co-sponsors of a Bill and Resolutions:

HB 593, Representative Sims

HCR 17, Representative P. Clark

HR 276, Representatives Bruce, Rand, Hall, Nelson, and Westrom

Representative Adkins moved to dispense with the reading and approval of the Journal of April 13, 2004. Agreed.

Representative Adkins moved to dispense with reading and approval of the Journal of the 2004 Session. Agreed.

Adjournment

Representative Adkins moved to adjourn sine die until Tuesday, January 4, 2005, unless called into Extraordinary Session by the Governor.

The motion that the House adjourn sine die until Tuesday, January 4, 2005, unless called into Extraordinary Session by the Governor was adopted by voice vote.

APPENDIX A

2004 REGULAR SESSION

LIST OF HOUSE MEMBERSHIP

OFFICERS

SPEAKER	**REPRESENTATIVE JODY RICHARDS**
SPEAKER PRO TEM	**REPRESENTATIVE LARRY CLARK**
CHIEF CLERK	**LOIS PULLIAM**
ASSISTANT CLERK	**SANDI MORRIS**
ENROLLING CLERK	**MARGARET WATTS**
SERGEANT AT ARMS	**GEORGE FRITZ**
CHIEF DOORKEEPER	**J. O. WHITAKER**
CLOAKROOM KEEPER	**FRANK SMITH**
CLOAKROOM KEEPER	**BARRY HOLDER**
JANITOR	**BOB GOODWIN**

1st District
Charles R. Geveden
P.O. Box 518
Wickliffe, KY 42087

2nd District
Fred Nesler
400 State Route 440
Mayfield, KY 42066

3rd District
Frank Rasche
2929 Jefferson St.
Paducah, KY 42001

4th District
Michael Cherry
803 South Jefferson Street
Princeton, KY 42445

5th District
Robert "Buddy" Buckingham
1717 Magnolia Drive
Murray, KY 42071

6th District
J. R. Gray
3188 Mayfield Hwy.
Benton, KY 42025

7th District
John A. Arnold, Jr.
1301 North Lee, P. O. Box 124
Sturgis, KY 42459

8th District
John W. Adams
6255 Huffman Mill Rd.
Hopkinsville, KY 42240

9th District
James Edmond Bruce
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Hopkinsville, KY 42240

10th District
Eddie Ballard
P.O. Box 1736
Madisonville, KY 42431

11th District
Gross Clay Lindsay
P.O. Box 19
Henderson, KY 42419-0019

12th District
Jim Gooch, Jr.
125 C-East Main Street
Providence, KY 42450

13th District
Brian Crall
3336 Bryant Ct.
Owensboro, KY 42303

14th District
Tommy Thompson
P. O. Box 458
Owensboro, KY 42302

15th District
Brent Yonts
232 Norman Circle
Greenville, KY 42345

16th District
Sheldon E. Baugh
252 West Valley Dr.
Russellville, KY 42276

17th District
C.B. Embry, Jr.
P. O. Box 1215
Morgantown, KY 42261

18th District
Dwight D. Butler
P. O. Box 9
Harned, KY 40144

19th District
Dottie J. Sims
459 Violet Ave.
Horse Cave, KY 42749

20th District
Jody Richards
817 Culpeper St.
Bowling Green, KY 42103

21st District
Roger Thomas
4415 Smiths Grove-Scottsville Rd
Smiths Grove, KY 42171

22nd District
Rob Wilkey
1924 Carl Hurt Rd.
Scottsville, KY 42164

23rd District
Stephen R. Nunn
136 Fairway Place
Glasgow, KY 42141

24th District
Jimmy Higdon
507 W. Main Street
Lebanon, KY 40033

25th District
Jimmie Lee
901 Dogwood Drive
Elizabethtown, KY 42701

26th District
John Michael Weaver
131 Mayer Lane
Elizabethtown, KY 42701

27th District
James "Jim" Thompson
50 Crosier Bottom Road
Battletown, KY 40104

28th District
Charles Miller
3608 Gateview Circle
Louisville, KY 40272

29th District
Kevin D. Bratcher
10215 Landwood Drive
Louisville, KY 40291

30th District
Tom Burch
4012 Lambert Ave.
Louisville, KY 40218

31st District
Steven Riggs
8108 Thornwood Road
Louisville, KY 40220

32nd District
Scott Brinkman
6001 Two Springs Lane
Louisville, KY 40207

33rd District
Ron Crimm
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Louisville, KY 40245

34th District
Mary Lou Marzian
2007 Tyler Lane
Louisville, KY 40205

35th District
Jim Wayne
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Louisville, KY 40204

36th District
Lonnie Napier
302 Danville Street
Lancaster, KY 40444

37th District
Perry B. Clark
5716 New Cut Road
Louisville, KY 40214

38th District
Denver Butler
6712 Morocco Dr.
Louisville, KY 40214

39th District
Robert R. Damron
231 Fairway West
Nicholasville, KY 40356

40th District
Dennis L. Horlander
1806 Farnsley Rd., Ste. 6
Shively, KY 40216

41st District
Tom Riner
1143 E. Broadway
Louisville, KY 40204

42nd District
Reginald Meeks
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Louisville, KY 40201

43rd District
Paul Bather
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Louisville, KY 40211

44th District
Joni L. Jenkins
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Shively, KY 40216

45th District
Stan Lee
P. O. Box 2090
Lexington, KY 40588

46th District
Larry Clark
5913 Whispering Hills Blvd.
Louisville, KY 40219

47th District
Rick Rand
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Bedford, KY 40006

48th District
Bob M. DeWeese
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49th District
Mary C. Harper
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Shepherdsville, KY 40165

50th District
Jodie Haydon
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Bardstown, KY 40004

51st District
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Campbellsville, KY 42718

52nd District
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53rd District
James R. Comer, Jr.
407 Fourth Street Boulevard
Tompkinsville, KY 42167

54th District
Mike Harmon
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Junction City, KY 40440

55th District
Jack L. Coleman, Jr.
P.O. Box 600
Burgin, KY 40310

56th District
Joe Barrows
152 Stout Avenue
Versailles, KY 40383

57th District
Derrick W. Graham
Room 451E, Capitol Annex
Frankfort, KY 40601

58th District
Brad Montell
P. O. Box 1016
Shelbyville, KY 40065

59th District
Tim Feeley
P. O. Box 64
Crestwood, KY 40014

60th District
Paul H. Marcotte
10674 Palestine Dr.
Union, KY 41091

61st District
Royce W. Adams
580 Bannister Rd.
Dry Ridge, KY 41035

62nd District
Charles Hoffman
406 Bourbon Street
Georgetown, KY 40324

63rd District
Jon Draud
55 Swathmore Drive
Edgewood, KY 41017

64th District
Thomas Robert Kerr
5415 Old Taylor Mill Rd.
Taylor Mill, KY 41015

65th District
Arnold R. Simpson
112 West 11th Street
Covington, KY 41011

66th District
Charlie Walton
1663 Brierwood Ct.
Florence, KY 41042

67th District
Jim Callahan
10 Colonel Pointe Dr.
Wilder, KY 41076

68th District
Joseph M. Fischer
126 Dixie Place
Ft. Thomas, KY 41075

69th District
Jon David Reinhardt
323 Poplar Thicket Road
Alexandria, KY 41001

70th District
Mitchel B. 'Mike' Denham
306 Old Hill City Road
Maysville, KY 41056

71st District
John Will Stacy
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West Liberty, KY 41472

72nd District
Carolyn Belcher
51 Blevins Valley Rd.
Owingsville, KY 40360

73rd District
Don Pasley
5805 Ecton Road
Winchester, KY 40391

74th District
Adrian K. Arnold
3589 Aarons Run Road
Mt. Sterling, KY 40353

75th District
Kathy W. Stein
364 Transylvania Park
Lexington, KY 40508

76th District
Ruth Ann Palumbo
10 Deepwood Dr.
Lexington, KY 40505

77th District
Jesse Crenshaw
121 Constitution St.
Lexington, KY 40507

78th District
Thomas M. McKee
1053 Cook Road
Cynthiana, KY 41031

79th District
Susan Westrom
PO Box 22778
Lexington, KY 40502

80th District
Danny Ford
P. O. Box 1245
Mt. Vernon, KY 40456

81st District
Harry Moberly, Jr.
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Richmond, KY 40475

82nd District
Charles L. Siler
3570 Tackett Creek Rd.
Williamsburg, KY 40769

83rd District
Jeffrey H. Hoover
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Jamestown, KY 42629

84th District
Brandon Smith
350 Kentucky Boulevard
Hazard, KY 41701

85th District
Tommy Turner
175 Clifty Grove Church Rd.
Somerset, KY 42501

86th District
Jim Stewart
141 KY 223
Flat Lick, KY 40935

87th District
Rick Nelson
Route 3 Box 686
Middlesboro, KY 40965

88th District
Bill Farmer
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Lexington, KY 40515

89th District
Marie L. Rader
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90th District
Tim Couch
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91st District
Ted "Teddy" Edmonds
1257 Beattyville Rd.
Jackson, KY 41339

92nd District
Ancel Smith
1812 Wiley Fork Rd.
LeBurn, KY 41831

93rd District
Keith Hall
PO Box 466
Phelps, KY 41553

94th District
Howard Cornett
20 Elpaso Dr.
Whitesburg, KY 41858

95th District
Charles E. "Chuck" Meade
P. O. Box 283
McDowell, KY 41617

96th District
Robin L. Webb
404 West Main St.
Grayson, KY 41143

97th District
Hubert Collins
72 Collins Lane
Whittensville, KY 41274

98th District
Tanya Pullin
Rural Route 1, Box 486
South Shore, KY 41175

99th District
Rocky Adkins
P.O. Box 688
Sandy Hook, KY 41171

100th District
John F. Vincent
P.O. Box 2528
Ashland, KY 41105

APPENDIX B

2004 REGULAR SESSION

HISTORY OF ACTION TABLES

APPENDIX B -- HISTORY OF HOUSE BILLS IN THE HOUSE
2004 Regular Session

Numbers refer to page of House Journal. The text of a bill is given on first reading.
*Voting modifications are listed after the roll call vote - Appendix C.

Bill	Into-	Re-	Re-	Readings			Sub or		Senate	Concur	Enrolled	Other
No.	duced	ferred	ported	1st	2nd	3rd	Amend	Voting*	Message	Activities	(Del. to Gov.)	Action
HB 1	2	8	63	63	139	276	68, 142, 185, 193	276				11, 42, 78, 139, 185, 219, 280, 286
HB 2	2	8	63	73	139	405		405				11, 42, 78, 139, 185, 219, 407, 614
HB 3	2	8										12, 32, 43, 55, 361, 1084
HB 4	2	8	58	58	139	182		182				54, 139, 184, 192, 280
HB 5	2	8										54, 78
HB 6	2	8	112	112	181	188	120, 185	188				51, 181, 218, 614, 1257
HB 7	2	14	92	92	181	188	93	188	3285		3286 (3326)	55, 77, 181, 195, 218, 242, 293, 323, 614
HB 8	2	14	303	303	355	458	309	459				55, 418, 462, 504, 614
HB 9	2	8	599	599	717	882	601	883				147, 756
HB 10	2	8	1087	1087	1252	1865	1088	1865	3908		3908 (3909)	765, 1422, 1872, 2308, 2309, 2691
HB 11	2	8	314	314	355	557	315	558				42, 287, 410, 418, 462, 560, 579
HB 12	2	8										
HB 13	2	8										32, 43, 52, 55, 185, 186, 410, 418, 1206
HB 14	2	8										55
HB 15	2	8	314	316	355	407	316, 360	407				147, 219, 355, 614
HB 16	2	8										32, 242
HB 17	2	8										
HB 18	2	8	112	128	181	500		500				51, 143, 215, 293, 323, 504, 725, 1207, 1376
HB 19	2	8	197	197	235	406		406	3285		3286 (3326)	55, 284, 614
HB 20	2	8	197, 355	199	235	277	199	277				55, 237, 280, 286, 293, 323
HB 21	2	8	297	297	355	407		407	3273		3286 (3326)	241, 355, 614
HB 22	3	8	345	346	405	418	415	418				84, 405, 462, 504, 614
HB 23	3	8										
HB 24	3	14										84
HB 25	3	14	1191	1191	1252	2561	1191, 1416	2561				84, 1252, 1926, 2570
HB 26	3	8										42, 43, 143

Bill	Into-	Re-	Re-	Readings			Sub or		Senate	Concur	Enrolled	Other
No.	duced	ferred	ported	1st	2nd	3rd	Amend	Voting*	Message	Activities	(Del. to Gov.)	Action
HB 27	3	8										84
HB 28	3	8										32, 1415, 2699
HB 29	3	8	92, 2598	95	181	2910	99	2910	4657		4669 (4673)	55, 77, 181, 217, 1935, 2690, 2703, 2916, 3334
HB 30	3	8										42, 722
HB 31	3	8										1257, 1404, 1415, 2691
HB 32	3	8										52, 1406, 1412, 1415, 1514, 2691
HB 33	3	8										
HB 34	3	8										
HB 35	3	8										
HB 36	3	8	466	467	557	1189		1189	3327		3908 (3909)	414, 504, 718, 1207
HB 37	3	8	333	334	405	412	335, 408	412				280, 405, 414, 462, 504, 614
HB 38	3	8										
HB 39	3	8										
HB 40	3	8	63	74	139	216		216				42, 78, 188, 218, 242
HB 41	3	8										
HB 42	3	8										
HB 43	3	8										32, 43, 55, 192
HB 44	3	8										
HB 45	3	8										
HB 46	3	8										
HB 47	3	8										3275
HB 48	3	8	1595	1595	1700	3242		3242	3996		4052 (4053)	1191, 1864, 3243, 3270, 3275, 3334
HB 49	3	8	209	209	235	276		276				12, 42, 219, 237, 280, 286
HB 50	3	8	147	147	187	405	148, 193	405				78, 188, 219, 242, 422, 614
HB 51	3	8										1191
HB 52	3	8	149	149	187	277		277				12, 32, 42, 52, 186, 215, 280, 281, 286
HB 53	3	8					886, 941					52, 722
HB 54	3	8										140
HB 55	3	8										52, 55, 142, 186, 195
HB 56	4	8	1623	1623	1713		1626, 1629					289, 579, 580, 2559, 3330
HB 57	4	8										186
HB 58	4	8										143, 189, 192, 195, 1376
HB 59	4	8	149	150	187	238	150	238	2573		2687 (2688)	42, 215, 242

Bill	Into-	Re-	Re-	Readings			Sub or		Senate	Concur	Enrolled	Other
No.	duced	ferred	ported	1st	2nd	3rd	Amend	Voting*	Message	Activities	(Del. to Gov.)	Action
HB 60	4	8										
HB 61	4	8										140, 722
HB 62	4	8	784	785	881		886					142, 937, 3330
HB 63	4	8	608	608	717	1715		1715				12, 32, 43, 55, 718, 1719, 2691
HB 64	4	8										12, 32, 43, 55, 415
HB 65	4	8	1473	1473	1592	2704	1474	2704				32, 55, 1593, 2709, 2715, 2754, 2916
HB 66	4	8										1257
HB 67	4	8	1623	1629	1713	2909	4136	2909, 4145	4084	4145	4149 (4413)	242, 289, 580, 2559, 2916, 4135
HB 68	4	8										
HB 69	4	8	14	14	42							9, 14, 43, 46, 52, 78, 186, 195
HB 70	4	8										55, 941
HB 71	4	8	736	736	763	952	738, 741, 774, 825	953	4657		4669 (4673)	462, 818, 825, 1084, 1206, 1256
HB 72	4	8	246	246	283	355	252, 323	355	3327		3908 (3909)	42, 284, 360, 407, 614
HB 73	4	8										42
HB 74	4	8	364	364	411	457		457				280, 418, 614
HB 75	4	8										
HB 76	4	8	345	346	405	557	347	557				55, 143, 281, 405, 560, 572
HB 77	4	8										78, 411, 2317
HB 78	4	8	1432	1432	1592		1442					142, 1929
HB 79	4	8										
HB 80	4	8	63	75	139							42, 139, 195, 281, 3330
HB 81	4	8	619	619	755	952	623, 887	952				579, 756, 955, 1084, 1206, 1256
HB 82	4	8	149	151	187	216	4088	216, 4095	3273	4095	4135 (4148)	42, 186, 188, 219, 242, 281, 3908
HB 83	4	8										
HB 84	4	8										55, 941
HB 85	4	8	512	512	568	883	580	883				462, 756, 886
HB 86	4	8										560
HB 87	4	8										
HB 88	4	8										
HB 89	4	8	235	235	276	289		289				55, 77, 276, 281, 292, 293, 360, 503

Bill No.	Into-duced	Re-ferred	Re-ported	Readings			Sub or Amend	Voting*	Senate Message	Concur Activities	Enrolled (Del. to Gov.)	Other Action
				1st	2nd	3rd						
HB 90	4	8	364	364	411	576	365, 560, 4651, 4652, 4653	576, 4653	4414	4652, 4653	4655 (4673)	32, 42, 219, 242, 456, 579, 614, 948, 1206, 2691, 4624
HB 91	5	8	485	485	557	569		569	4664		4673 (4673)	55, 557, 572
HB 92	5	8	736	741	763	882		882	3285		3286 (3326)	281, 613, 760, 818, 825, 886
HB 93	5	8										613
HB 94	5	8	63	75	139	182		182				42, 78, 139, 143, 184, 186, 192, 195, 219, 280
HB 95	5	8										12, 43, 55, 78, 186, 944, 1085, 1189, 1256
HB 96	5	8	2547	2547	2682	2909		2909	4421		4422 (4639)	760, 1428, 2682, 2915, 2916
HB 97	5	8	60	60	139	182	3995	182, 3996, 4655	3285, 4054, 4414	3995, 3996	4655 (4673)	51, 54, 78, 139, 184, 192, 195, 614, 3908, 4134, 4135, 4148, 4634, 4654
HB 98	5	8	2576	2576	2695	2908	2576, 2701	2908				43, 186, 1594, 1595, 2743, 2916
HB 99	5	8										32
HB 100	5	8	364	366	411	610	370, 415	610				147, 280, 323, 361, 418, 462, 759
HB 101	5	8										55, 78
HB 102	5	8										
HB 103	5	8										183
HB 104	5	8	63	75	139							42, 43, 52, 188
HB 105	5	8	149	157	187	284	166, 194, 280	284	4673			32, 42, 43, 52, 78, 143, 186, 237, 286, 292
HB 106	5	8	314	317	355	719	317	719				42, 43, 78, 456, 759, 1206
HB 107	5	8										55, 281, 293, 415
HB 108	5	14	345	348	405	413	349, 360, 410	414	891		891 (937)	52, 55, 186, 195, 218, 242, 322, 323, 361, 405, 415, 422, 462, 572, 614
HB 109	5	8	199, 300	200	235, 405		202, 204, 300					142, 276, 355, 3330
HB 110	5	8										84
HB 111	5	8										886

Bill	Into-	Re-	Re-	Readings			Sub or		Senate	Concur	Enrolled	Other
No.	duced	ferred	ported	1st	2nd	3rd	Amend	Voting*	Message	Activities	(Del. to Gov.)	Action
HB 112	5	8	680	680	755		682					192, 937, 3330
HB 113	5	8	57	57	139	182	4067	182, 4069	3908	4069	4135 (4148)	32, 43, 52, 54, 55, 78, 139, 143, 186, 192, 219, 242, 280, 281, 287, 323, 361, 410
HB 114	5	8										
HB 115	5	8	1623	1630	1713		2692					289, 579, 580, 2559, 3330
HB 116	5	8	246	258	283	406	260, 292, 3328	406, 3330	1425	3328, 3330	3908 (3909)	42, 43, 55, 186, 242, 355, 410, 614, 826, 4003
HB 117	5	8										
HB 118	5	8										84
HB 119	5	8										
HB 120	5	14										
HB 121	5	8										78
HB 122	5	8										
HB 123	5	8										42, 242
HB 124	6	8										43, 281, 777, 826
HB 125	6	8										54, 281, 361, 826
HB 126	6	8	105, 338	105	181	412	108, 338	412				55, 181, 189, 241, 405, 414, 504, 614
HB 127	6	8	2676	2676	2695		2678, 2710, 2758					218, 3238
HB 128	6	8										42
HB 129	6	8										
HB 130	6	8	777	777	881	1082		1082				32, 143, 759, 882, 1085
HB 131	6	8	225	226	276	321	286	322				184, 276, 322, 360, 614
HB 132	6	8	777	778	881	1255	1358, 1362	1255				759, 937, 1415
HB 133	6	8										143, 242
HB 134	6	8										
HB 135	6	8	112, 2055	135	181	3241	135	3241	4421		4422 (4639)	55, 188, 281, 462, 760, 1704, 2559, 3243, 3270, 3334
HB 136	6	8										281
HB 137	6	8										52, 55
HB 138	6	8										52
HB 139	6	8	92	103	181	1254	422	1254				52, 55, 77, 237, 1415, 2309
HB 140	6	8	112, 1675	135	181		1675, 2309					43, 52, 55, 237, 242, 759, 1864, 3330
HB 141	6	8	2598	2598	2695		2598					52, 1935, 3238

APPENDIX B -- HISTORY OF HOUSE BILLS IN THE HOUSE
2004 Regular Session

Bill	Into-	Re-	Re-	Readings			Sub or		Senate	Concur	Enrolled	Other
No.	duced	ferred	ported	1st	2nd	3rd	Amend	Voting*	Message	Activities	(Del. to Gov.)	Action
HB 142	6	8										292
HB 143	6	8										142, 1408
HB 144	6	8										12, 242
HB 145	6	8	2576	2577	2695		2579					777, 2703, 3330
HB 146	6	8	112	136	181		1351, 1355					52, 55, 237, 3330
HB 147	6	8	960	960	1187	1411		1411				408, 1187, 1415, 2691
HB 148	7	14	149	174	187	278	176, 194, 218	278				42, 186, 195, 219, 237, 280, 281, 286
HB 149	7	14	246	261	283	1401	941	1401	3908		3908 (3909)	197, 405, 1415, 2691
HB 150	7	14										147, 286
HB 151	7	14										
HB 152	7	14	84	84	181	215	89, 4069, 4075	216, 4075	3327	4075	4135 (4148)	55, 181, 242, 218, 407, 3908
HB 153	7	14										43
HB 154	7	14										
HB 155	7	14										43
HB 156	7	14	58	59	139		194, 1877, 1879					54, 237, 3330
HB 157	10	14	149, 431	178	187	558	180, 181, 4666, 4667, 4669	559, 4669	4664	4667, 4669	4673 (4673)	42, 55, 195, 237, 242, 414, 500, 560, 572, 580
HB 158	10	14										242, 418
HB 159	10	14	246	262	283	355		356				43, 197, 242, 284, 407, 614, 1085
HB 160	10	14	246	262	283	356	263	356				42, 219, 284, 614
HB 161	10	14	680	683	755	937	694, 889	938				55, 756
HB 162	10	14	432	432	500	756	432, 560, 580, 4119	757, 4119	4084	4119	4135 (4148)	414, 557, 759, 824, 825, 1206, 4097
HB 163	10	14	432	438	500	610	441, 560, 3967	610, 3970	3327	3967, 3970	4052 (4053)	280, 557, 3908, 4053
HB 164	10	14										
HB 165	10	14										43
HB 166	10	14										
HB 167	10	14	209	210	235	277		277	3327		3908 (3909)	42, 237, 280, 286
HB 168	10	14										
HB 169	10	14										
HB 170	10	14										12, 51, 361, 1619
HB 171	10	14										12, 32, 51, 361, 774, 1619

Bill	Into-	Re-	Re-	Readings			Sub or		Senate	Concur	Enrolled	Other
No.	duced	ferred	ported	1st	2nd	3rd	Amend	Voting*	Message	Activities	(Del. to Gov.)	Action
HB 172	10	14	512, 898, 1216	518	568	1082	528, 722, 723, 724, 898, 955, 1217, 1518	1702				462, 613, 757, 825, 937, 939, 1084, 1401, 1705, 1719, 2691
HB 173	10	14										
HB 174	10	14										
HB 175	10	14										
HB 176	10	14	619	628	755	883	629	883	3908		3908 (3909)	43, 418, 462, 756, 886
HB 177	10	14										43
HB 178	10	14	619	631	755	884	633, 825, 4080	884, 4083	3996	4082	4135 (4148)	43, 78, 418, 756, 886, 4067
HB 179	10	14										55, 941
HB 180	10	14										
HB 181	10	14										
HB 182	10	14										84
HB 183	10	14	466	467	557	720	469	720				280, 293, 323, 575, 759, 1206
HB 184	10	14										
HB 185	10	14										361, 725
HB 186	11	14										55
HB 187	11	14	112	137	181	216	193, 4079	216	3327	4080		55, 181, 242, 3908
HB 188	11	14	209	211	235	284	212	284	3956			147, 237, 281, 286, 287, 292, 323, 573, 1207
HB 189	11	14	345	350	405	413		413	4657		4669 (4673)	84, 405, 414, 462, 614
HB 190	11	14										143, 572
HB 191	11	14	2598	2598	2695	2745	2599	2745				1935, 2703, 2753, 2916
HB 192	11	14										43, 78, 2694
HB 193	11	14	225	226	276	2909	227, 234, 2711	2909				184, 242, 276, 361, 2915, 2916, 4003
HB 194	11	14										184
HB 195	11	14	333	336	405	418		418				32, 43, 55, 78, 280, 405, 462, 504, 614
HB 196	13	41										242
HB 197	13	41										55, 1718
HB 198	13	41	1473	1476	1592	2744		2745				55, 1593, 1722, 2754, 2916
HB 199	13	42	736	746	763	1188	749, 941, 3964	1188, 3967	3285	3964, 3967	4052 (4053)	613, 818, 3908, 4003, 4053
HB 200	13	41	105	112	181	237	112, 218, 219	237	1594		1621 (1702)	55, 181, 195, 242, 614
HB 201	13	42										147
HB 202	13	42	197	204	235	277		277	3327		3908 (3909)	142, 237, 184, 280, 286, 2309

Bill	Into-	Re-	Re-	Readings			Sub or		Senate	Concur	Enrolled	Other
No.	duced	ferred	ported	1st	2nd	3rd	Amend	Voting*	Message	Activities	(Del. to Gov.)	Action
HB 203	13	42	431	431	500	558		558				142, 410, 500, 560
HB 204	13	42										
HB 205	13	41										
HB 206	13	41										296, 2709
HB 207	13	41										242, 281, 293, 410, 504, 2699
HB 208	13	41	147	148	187	289		289				78, 237, 292, 360, 614
HB 209	13	41	387	387	411		389, 392					78, 418
HB 210	13	41										78
HB 211	13	41	387	392	411							78, 418
HB 212	31	41										
HB 213	31	41										197, 407
HB 214	31	41										42
HB 215	31	41										55, 559
HB 216	31	41										221
HB 217	31	41										
HB 218	31	41										281
HB 219	32	41										886, 2709
HB 220	32	41										78, 143
HB 221	32	41										572
HB 222	32	41	1595	1596	1700		1596					1415, 1700, 3330
HB 223	32	41										55, 1257, 1412, 1514, 2691
HB 224	32	41										
HB 225	41	45	57	58	139	182	3330	182, 3330	1931	3330	3908 (3909)	55, 77, 139, 186, 192, 280, 281, 287, 323, 361, 2916, 4003
HB 226	41	45	445	445	500	569	447	569	3327		3908 (3909)	147, 287, 323, 462, 500, 572, 573, 1408
HB 227	41	45	1181	1181	1252	2911	1181, 1182, 1706, 1711	2911				55, 143, 186, 422, 944, 1408, 1593, 2915, 2916, 3334
HB 228	41	45	345	353	405							84, 405, 503
HB 229	41	45										
HB 230	42	45										954
HB 231	42	45										192
HB 232	42	45										886, 1084
HB 233	42	45										
HB 234	42	45	1473	1476	1592	2560		2560				55, 242, 323, 1593
HB 235	42	45										280
HB 236	42	45										
HB 237	42	45										
HB 238	42	45										
HB 239	42	45										

Bill	Into-	Re-	Re-	Readings			Sub or		Senate	Concur	Enrolled	Other
No.	duced	ferred	ported	1st	2nd	3rd	Amend	Voting*	Message	Activities	(Del. to Gov.)	Action
HB 240	42	45										192, 1210, 1402, 1405
HB 241	45	53										
HB 242	45	53	246	265	283	406	266, 4650	406, 4651	4414	4650	4655 (4673)	147, 284, 614, 4624
HB 243	45	53										
HB 244	45	53										280
HB 245	45	53										1713
HB 246	45	53										886
HB 247	51	53										55
HB 248	51	53										
HB 249	51	53	205	206	235	277	209	277	3285			192, 219, 237, 280, 281, 286, 3908
HB 250	51	53										
HB 251	51	53	1210	1210	1401	1424	1212	1424	3265			418, 1401, 1514, 1518
HB 252	53	57										
HB 253	53	57	297	298	355	406	298	407				241, 355, 614
HB 254	53	57										
HB 255	53	57	784									941
HB 256	53	57	345	353	405							241, 405, 1189
HB 257	53	57	345	353	405							241, 405, 1189
HB 258	54	57	302	302	355	412	303, 4649	412	4421	4650	4655 (4673)	142, 405, 414, 415, 462, 614, 4624
HB 259	54	57										
HB 260	77	84	364	373	411	718	377, 614	719				197, 456, 725, 759, 1206
HB 261	77	84	507	507	568	1594	888, 1355, 1358	1594				147, 219, 289, 422, 756, 1518, 1595, 2691
HB 262	77	84	892	892	945	1714	893, 949, 1617	1714, 4644	4084		4099 (4134)	323, 760, 774, 777, 952, 1722, 2691, 3264, 4423, 4644
HB 263	77	84	314	318	355	411	319	412				147, 355, 414, 462, 504, 614
HB 264	77	84	680	705	755	819	705, 4083	819, 4666	3996, 4657, 4672	4084	4673 (4673)	572, 617, 756, 1206, 4067, 4655, 4656, 4664, 4665, 4666
HB 265	77	84										241, 1428
HB 266	77	84										242
HB 267	77	84										
HB 268	77	84										143
HB 269	83	147	345	354	405	413	354	413				245, 405, 422, 462, 614
HB 270	83	147										189, 4053
HB 271	83	147										

Bill No.	Into-duced	Re-ferred	Re-ported	Readings 1st	2nd	3rd	Sub or Amend	Voting*	Senate Message	Concur Activities	Enrolled (Del. to Gov.)	Other Action
HB 272	83	147										408
HB 273	83	147	297	299	355	413		413				241, 323, 355, 414, 462, 560, 614, 760
HB 274	83	147	425	426	500	558	428	558				241, 323, 500, 504, 560
HB 275	83	147										
HB 276	83	147										241
HB 277	83	147										186, 219, 241, 281, 573, 617, 725, 2922
HB 278	83	147										408, 1711, 3264
HB 279	83	147										
HB 280	83	147										
HB 281	83	147	269	269	283	321		321				218, 284, 322, 360, 614
HB 282	142	147										1084
HB 283	142	147	269	270	283	412	271	412	3273		3286 (3326)	192, 281, 284, 422, 462, 614
HB 284	142	147										241, 421
HB 285	142	147										
HB 286	142	147	269	271	283	356	272, 323	356	3273		3286 (3326)	143, 218, 242, 284, 323, 407, 561, 614, 1872
HB 287	142	147	269	272	283	356		356	946		946 (952)	143, 218, 242, 284, 324, 614
HB 288	142	147	1210	1213	1401	1424		1424				941, 1401, 1514
HB 289	142	147	445	449	500	719		719				242, 280, 281, 324, 557, 1206
HB 290	142	147	988	988	1187	1423	996	1423	3273		3286 (3326)	408, 1187, 1418, 1514
HB 291	142	147	874	874	935	1700	874	1700				241, 937, 1704, 1705, 1719, 2691
HB 292	142	147	2721	2721	2906	3268	2921, 4669, 4671, 4672	3268, 4672	4664	4671, 4672	4673 (4673)	2563, 3267, 3275
HB 293	146	187										
HB 294	146	187										415
HB 295	146	187	314	320	355	406		406	1425		1593 (1594)	186, 280, 293, 355, 614, 1376
HB 296	146	187	835	836	935		838					765, 1187, 3330
HB 297	146	187	968	968	1187	1865	969	1865	4657		4669 (4673)	948, 1187, 2308, 2309
HB 298	146	187										186, 889
HB 299	146	187										186, 462, 890
HB 300	146	187										
HB 301	146	187	296	296	355		1371, 1375					241, 355, 1376, 3330
HB 302	146	187										

Bill	Into-	Re-	Re-	Readings			Sub or		Senate	Concur	Enrolled	Other
No.	duced	ferred	ported	1st	2nd	3rd	Amend	Voting*	Message	Activities	(Del. to Gov.)	Action
HB 303	146	187	485, 1205	497	557	1864	498, 1205	1864				219, 241, 324, 557, 573, 578, 1082, 1401, 1872, 1926, 2308, 2309
HB 304	146	187	1227	1227	1401	1593	1228	1593				613, 1401, 2691
HB 305	146	187	396	396	411	558	400, 404	558	4421		4422 (4639)	218, 418, 560
HB 306	146	187	387	392	411	457	394	458	4084			218, 418, 614
HB 307	184	187										
HB 308	184	187										408
HB 309	184	187	466	473	557	2687	475	2688	4657		4669 (4673)	219, 361, 414, 422, 504, 718, 2691, 2916
HB 310	184	187	2563	2563								
HB 311	184	187										1415
HB 312	184	187										1428
HB 313	192	197	2598	2599	2695							1935, 2906, 3330
HB 314	192	197	680	705	755	819		819				241, 756, 1206
HB 315	192	197										219, 241, 242
HB 316	192	197										
HB 317	197	221	2543	2543	2682	2746		2746				242, 765, 2682, 2916
HB 318	197	221	2563	2563	2682	2746		2746				1428, 2682, 2915, 2916
HB 319	217	221	337	337	405	418		419	1931		2559 (2561)	245, 296, 322, 405, 422, 462, 504, 614
HB 320	217	221	1485	1485	1592		1498, 1617					1210, 1864, 3330
HB 321	217	221	507	509	568	719	510, 3961	719, 3963	3273	3961, 3963	4052 (4053)	280, 575, 1206, 3325, 4003, 4053
HB 322	217	221	364	382	411	458	4075, 4076	458	3285	4076	4135 (4148)	280, 418, 614, 3908
HB 323	217	221	968	969	1187	1253	971	1253, 4076	3327		3908 (3909)	219, 242, 281, 293, 324, 948, 1187, 1376, 1415
HB 324	217	221	675	675	755		676, 825, 1362, 1365					296, 882, 3330
HB 325	217	221	445	451	500	610	451, 504, 560	610				280, 500
HB 326	217	221	385	385	411	501	386	501				292, 418
HB 327	217	221										
HB 328	217	221										293
HB 329	217	221										
HB 330	217	221										242, 617, 725
HB 331	217	221	909	909	945	1401	3963	1401	3273, 4133	3963, 3964	4135 (4148)	825, 952, 1415, 2691
HB 332	217	221										

APPENDIX B -- HISTORY OF HOUSE BILLS IN THE HOUSE
2004 Regular Session

Bill No.	Intoduced	Referred	Reported	Readings			Sub or Amend	Voting*	Senate Message	Concur Activities	Enrolled (Del. to Gov.)	Other Action
				1st	2nd	3rd						
HB 333	217	221										
HB 334	217	221										
HB 335	217	221										
HB 336	217	221	913	913	945	2911	924, 955, 1514, 1721, 1881, 1897, 1889, 2316	2912				281, 322, 561, 580, 826, 890, 944, 952, 956, 1418, 1926, 3334
HB 337	217	221										280
HB 338	217	221										242, 281
HB 339	217	221										287, 504, 561, 617, 890, 956
HB 340	217	221	445	452	500							242, 280, 462, 500, 572, 725, 2563
HB 341	217	221	342	342	405	500	344	501	1425		1593 (1594)	242, 245, 361, 410, 418, 422, 504, 580, 890
HB 342	221	245	1210	1213	1401	1701	1214	1701	4421		4422 (4639)	333, 1422, 1711, 1719, 2691
HB 343	221	245										886
HB 344	236	237	267	267	283	322	267, 280, 323	322	2748			241, 284, 287, 360, 614
HB 345	236	245										
HB 346	236	245										281
HB 347	241	245										
HB 348	241	245										
HB 349	241	245										726, 826, 1926
HB 350	241	245	385	386	411	458	409, 415	458				292, 418, 422, 462, 504, 614
HB 351	279	283	2045	2045	2558		2048, 2050, 2692					324, 579, 884, 948, 2682, 2694, 3330
HB 352	279	283										287, 324
HB 353	279	283										
HB 354	279	283										
HB 355	279	283										955
HB 356	279	283										1085
HB 357	279	283	512, 1654	538	568	947	542, 724, 889, 1349, 1654	2697				462, 609, 949, 1411, 1700, 2699, 2916
HB 358	279	283										293, 324, 561, 944
HB 359	283	289	485	499	557	576	499, 1375	576				411, 557, 579, 614, 948, 1206
HB 360	283	289	777	781	881	953		953				759, 882, 1206
HB 361	286	289	396	404	411	458		458				292, 418, 614
HB 362	291	295	676	676	755	764	676, 4085, 4087, 4088	764, 4088	3997	4087, 4088	4135 (4148)	361, 418, 756, 766, 820, 824, 1206, 4067

Bill	Into-	Re-	Re-	Readings			Sub or		Senate	Concur	Enrolled	Other
No.	duced	ferred	ported	1st	2nd	3rd	Amend	Voting*	Message	Activities	(Del. to Gov.)	Action
HB 363	291	295										886
HB 364	291	295										
HB 365	291	296	736	752	763	882	4120, 4123, 4124	882	4084, 4657	4124		560, 613, 818, 4097
HB 366	291	295										
HB 367	291	295										
HB 368	291	296										
HB 369	291	296	564	564	575	757	566, 616, 722	757				422, 575, 824, 825, 1206
HB 370	291	296										422
HB 371	291	295	680	707	755	2706	942	2706				411, 726, 882, 2709, 2754, 2916, 3270, 4634
HB 372	291	295	478	478	557	938	481, 580, 615, 616, 722, 759, 825, 941	939				364, 422, 462, 561, 572, 573, 718, 726, 890, 944, 949
HB 373	291	296	960	961	1187	2696	963, 965	2696	3996		4052 (4053)	408, 1187, 2700, 2916
HB 374	291	295	1595	1597	1700	2748		2748				1415, 1700, 2754, 2916
HB 375	291	296										
HB 376	291	295	729	729	763	938	730, 4646	938, 4649	4421	4648	4655 (4673)	410, 418, 818, 944, 4624
HB 377	295	333										
HB 378	295	333										777, 2691
HB 379	295	333										759
HB 380	295	333	847	847	935	1253	850	1253				559, 937, 1376, 1415
HB 381	295	333										418
HB 382	295	333										
HB 383	322	333										777
HB 384	322	333	736	752	763	882		882				613, 760, 818, 890
HB 385	322	333										825
HB 386	322	333										825
HB 387	322	333	1650	1650	1713							1428, 1864, 3330
HB 388	322	333	583	583	717	756	588	756				408, 718, 759, 825, 1206
HB 389	322	333	485	499	557		499, 2754					411, 718, 3330
HB 390	359	364	2563	2565	2682		2565, 2692					465, 504, 617, 826, 956, 2317, 2906, 3264
HB 391	359	364										
HB 392	359	364	425	430	500	569		569				361, 414, 500, 561, 572, 573
HB 393	359	364	2543	2543	2682		2692, 3277					1933, 2743, 3330
HB 394	359	364										

Bill No.	**Into-duced**	**Re-ferred**	**Re-ported**	**Readings 1st**	**2nd**	**3rd**	**Sub or Amend**	**Voting***	**Senate Message**	**Concur Activities**	**Enrolled (Del. to Gov.)**	**Other Action**
HB 395	359	364	1257, 1723	1257	1401	1931	1365, 1723, 1872, 1873, 1874, 1879, 1881, 1883, 1884, 1897, 1900, 1901, 1902, 1904, 1905, 1906, 1907, 1908, 1909, 1925, 1926, 4149	1932	4146, 4422, 4657	4413		1210, 1402, 1864, 4148, 4417
HB 396	359	364	1257, 1723	1343	1401	1932	1861, 4414	1932	4421	4417	4422 (4639)	1210, 1402, 1864, 4148, 4417
HB 397	359	364	1257, 1723	1345	1401	1932	1909	1932	4148		4149 (4413)	1210, 1402, 1864, 2709, 2308, 2309, 2568
HB 398	359	364	466	476	557	2687	1516, 1517	2687	4421		4422 (4639)	414, 557, 2691, 2916
HB 399	363	411										422, 956, 1421
HB 400	363	411	892	895	945	1188	895	1189	4657		4669 (4673)	415, 952, 1207
HB 401	363	411										1415
HB 402	363	411										
HB 403	363	411										
HB 404	363	411	554	554	568	818	555, 579, 4660, 4662	818, 4662	4657	4662	4673 (4673)	425, 462, 504, 561, 575, 617, 726, 774, 886
HB 405	363	411	2721	2722	2906							2563
HB 406	407	411	583	592	717	1188		1188	4421		4422 (4639)	559, 818, 1206, 1872
HB 407	407	411	874	875	935	2704	877, 942	2704				763, 937, 2709, 2754, 2916
HB 408	407	411										410
HB 409	407	411	2563	2566	2682		2566					462, 465, 2906, 3330
HB 410	407	411	680	710	755		759					462, 465, 937, 3330
HB 411	407	411										
HB 412	408	411	583	594	717	756		756	2748		2906 (2910)	559, 718, 824, 1206
HB 413	414	417	583, 1454	595	717	2688	889, 1711, 1721, 1875, 1877, 2311, 2312, 2313	2688	4049		4052 (4053)	559, 573, 718, 726, 948, 949, 1593, 2308, 2691, 2916
HB 414	414	417										
HB 415	414	417										578, 941
HB 416	414	417										
HB 417	414	417										

Bill No.	Into-duced	Re-ferred	Re-ported	Readings			Sub or Amend	Voting*	Senate Message	Concur Activities	Enrolled (Del. to Gov.)	Other Action
				1st	2nd	3rd						
HB 418	414	417	597	597	717	2707		2707	4049		4052 (4053)	572, 617, 718, 1206, 2754, 2916
HB 419	414	417										1421
HB 420	414	417	676	677	755	764	678	764	3273		3286 (3326)	425, 756, 766, 820, 824, 1206
HB 421	414	417										
HB 422	417	425										
HB 423	417	425	1945	1945	2558							1085, 2743, 3330
HB 424	421	425										
HB 425	421	425										503
HB 426	421	425										
HB 427	421	425	583	596	717	1188		1188	4421		4422 (4639)	578, 818, 1206, 1704, 4634
HB 428	421	425	727	727	763	1253		1253				613, 818, 1415
HB 429	421	425										462, 504
HB 430	421	425	599	605	717	1402		1402				559, 818, 1407, 1415
HB 431	421	425										572
HB 432	421	425	465	465	557	569		569				459, 557
HB 433	421	425										
HB 434	425	465	619, 1454	636	755	1700	655, 1454, 4099	1700, 4119	3997	4119	4135 (4148)	503, 756, 948, 1593, 1704, 2691, 4067
HB 435	425	465	827, 1454	827	935	1865		1865	4049		4052 (4053)	726, 759, 890, 1187, 1406, 1518, 1593, 1926, 2308, 2309, 2691
HB 436	425	465	827, 1454	829	935	1865	831, 833, 1515	1865				890, 1187, 1406, 1518, 1593, 1872, 1926, 2308, 2309, 2691
HB 437	461	465										
HB 438	461	465	1432	1453	1592	2743	4660	2743, 4660	4657	4660	4673 (4673)	722, 1418, 2754, 2916
HB 439	461	465										
HB 440	461	465										2691
HB 441	461	465	754	754	763	938	4127, 4130	938, 4132	4084	4127, 4130, 4132	4149 (4413)	572, 818, 4097
HB 442	461	465										561, 575, 941
HB 443	461	465										561, 613, 760
HB 444	461	465	754	754	763		825					613, 818, 1189
HB 445	461	465	680	714	755	764		764				572, 756, 766, 820, 824, 948, 1206
HB 446	461	465	1240	1240	1401	1715	1245	1715				613, 1401, 2691

Bill	**Into-**	**Re-**	**Re-**	**Readings**			**Sub or**		**Senate**	**Concur**	**Enrolled**	**Other**
No.	**duced**	**ferred**	**ported**	**1st**	**2nd**	**3rd**	**Amend**	**Voting***	**Message**	**Activities**	**(Del. to Gov.)**	**Action**
HB 447	461	465	1227	1229	1401	1593	1229	1594	4421		4422 (4639)	1085, 1401, 2691
HB 448	461	465					1721					
HB 449	461	465										503
HB 450	461	465	790	790	881	947	805, 886, 887, 888, 889, 942	947				463, 573, 613, 882, 890, 949, 1206, 1256
HB 451	461	465										
HB 452	503	507										
HB 453	503	507										570
HB 454	503	507	827	833	935	1411	834, 949	1411				759, 937, 1418, 2691
HB 455	503	507										613
HB 456	503	507	729	732	763	1189	760	1189	3285		3286 (3326)	613, 818, 955
HB 457	503	507										722, 726
HB 458	503	507	784	785	881	946		946	3996		4052 (4053)	722, 937, 1206
HB 459	507	563	1227	1230	1401	2562	1375, 1416	2562				825, 1401, 1595, 1926, 2568, 2691
HB 460	559	563	827	834	935	1081		1082	4657		4669 (4673)	573, 759, 937, 949, 1084, 1085
HB 461	559	563	1182	1182	1252	1702	1184, 1365, 1515, 4076	1702, 4079	3285	4079	4135 (4148)	941, 1252, 1719, 2691, 3908
HB 462	559	563										613, 617
HB 463	559	563										1376
HB 464	559	563										
HB 465	559	563										613
HB 466	559	563	854	854	935	953	864	953	2925		3238, (3238)	575, 937, 955, 1084, 1206
HB 467	572	575										1410
HB 468	572	575										886
HB 469	572	575										
HB 470	572	575										613, 617, 726, 774, 826, 944
HB 471	572	575	874	878	935	1254	880, 4657	1254, 4659	4657	4659	4673 (4673)	777, 819, 944, 952, 1376, 1415
HB 472	572	575										
HB 473	572	575	909	909	945	1411	909	1411	4657			613, 825, 952
HB 474	578	583										726, 1871
HB 475	578	580										580, 726, 760, 956, 1207, 1408, 1619
HB 476	578	580										
HB 477	578	580	892	896	945	1864		1864				777, 1253, 2308, 2309, 2691
HB 478	578	580										
HB 479	578	583	2770	2771	3237		2772					2749, 2752
HB 480	578	580										
HB 481	613	619										2709

Bill	Into-	Re-	Re-	Readings			Sub or		Senate	Concur	Enrolled	Other
No.	duced	ferred	ported	1st	2nd	3rd	Amend	Voting*	Message	Activities	(Del. to Gov.)	Action
HB 482	613	619										
HB 483	613	619	839, 2055	839	935	2705		2705				726, 765, 774, 826, 890, 944, 949, 1187, 1418, 1518, 2559, 2754, 2916, 3264
HB 484	613	619	1650	1651	1713		1651, 1719, 1721					825, 1864, 3330
HB 485	613	619	960	965	1187	1410		1410				941, 944, 1085, 1187, 1415, 1705, 1718, 2691
HB 486	613	619										
HB 487	613	619										
HB 488	613	619										726, 760, 826, 1415
HB 489	613	619	968	971	1187	1424		1424				765, 819, 825, 826, 948, 1401, 1711
HB 490	721	727	1521	1521	1700	2706	1523, 1720	2707				1415, 1700, 2754, 2916
HB 491	721	727										
HB 492	721	727	1210	1215	1401	1410	1215	1410				941, 1401, 1415, 2691
HB 493	758	763	1485	1512	1592	2747	1618, 2569	2748	3996		4052 (4053)	956, 1210, 1711, 1871, 1926, 1929, 2916
HB 494	758	763										821
HB 495	758	763	1227	1231	1401	1701	1232, 1234, 1407	1701				825, 1401, 1704, 1719, 1872, 2691, 2709, 4634
HB 496	758	763										1401
HB 497	758	763										941
HB 498	758	763	968	973	1187	2696		2696				948, 1187, 2700, 2916
HB 499	758	763	976	976	1187	2748	2676	2749				760, 825, 1422, 2703, 2759, 2916
HB 500	758	763										826, 886, 1085, 1419, 2715
HB 501	758	763										
HB 502	758	763	1623	1632	1713	2743	1633	2743				941, 2559, 2754, 2916
HB 503	758	763										885
HB 504	763	777										1871
HB 505	763	777										
HB 506	765	777										
HB 507	765	777	1529	1529	1700							892, 1864, 3330

Bill	Into-	Re-	Re-	Readings			Sub or		Senate	Concur	Enrolled	Other
No.	duced	ferred	ported	1st	2nd	3rd	Amend	Voting*	Message	Activities	(Del. to Gov.)	Action
HB 508	765	777	1529	1530	1700	2706	1617	2706	4657		4669 (4673)	892, 1700, 2754, 2916
HB 509	765	777	2517	2517	2682							892, 2682, 3330
HB 510	765	777	960	967	1187	1866	1416, 1418, 4125	1866, 4127	4084	4127	4135 (4148)	885, 1085, 1401, 1872, 2308, 2309, 2691, 4097
HB 511	765	777	2598	2601	2695	2744	2601	2744				1421, 2703, 2753, 2754, 2915, 2916
HB 512	765	777	988	1002	1187		1002, 1003					948, 1187
HB 513	765	777										
HB 514	765	777	1656	1656	1713	2559	1657	2559				1085, 1864, 2691
HB 515	765	777										
HB 516	777	827	1623	1633	1713	2908	1634, 2569	2908				941, 2559, 2568, 2915, 2916
HB 517	824	827	1191	1195	1252	1713	1195	1714	4421		4422 (4639)	884, 892, 1252, 1718, 1719, 2691
HB 518	824	827	968	975	1187	1254	975	1254				948, 1187, 1415
HB 519	824	827	988	1003	1187	1714	1041, 1518, 1705	1714	3285		3286 (3326)	826, 941, 944, 949, 956, 1085, 1376, 1401, 1418, 1518, 1718, 2691
HB 520	824	827										826, 886, 956
HB 521	824	827										826, 941, 956
HB 522	824	827										
HB 523	824	827	1473	1477	1592		1720					1257, 1929
HB 524	824	827	1521	1524	1700							1415, 2559
HB 525	824	827										
HB 526	824	827	1656	1659	1713	2746	1659, 2693	2746				1421, 1864, 2916
HB 527	824	827										
HB 528	824	827	988	1079	1187	1425		1425				941, 944, 949, 1252, 2691
HB 529	824	827	1623	1634	1713							941, 1711, 2559, 3330
HB 530	824	827										1704
HB 531	824	827										941
HB 532	824	827										2709
HB 533	824	827										
HB 534	885	892	2803	2803	3237							1704, 3325
HB 535	885	892	988	1079	1187	1701	1080	1702				948, 1187, 1705, 1719, 2691
HB 536	885	892										1428

Bill	Into-	Re-	Re-	Readings			Sub or		Senate	Concur	Enrolled	Other
No.	duced	ferred	ported	1st	2nd	3rd	Amend	Voting*	Message	Activities	(Del. to Gov.)	Action
HB 537	885	892	1428	1428	1592	2745	1720, 1721, 1881	2745	4657		4669 (4673)	1207, 1257, 1376, 1700, 2753, 2754, 2916
HB 538	885	892										
HB 539	885	892	1104	1149	1252	1410		1410				955, 1252, 1415, 2691
HB 540	885	892	1087	1088	1252		1094, 1350, 1351, 1375, 1407, 1408, 1515					890, 955, 1593, 1619, 3330
HB 541	885	892										2690
HB 542	885	892										1377
HB 543	891	945										
HB 544	891	945										
HB 545	891	945	2803	2803	3237		2805					1704, 3325
HB 546	940	945	2803	2807	3237		2809, 2810					1085, 3325
HB 547	940	945	1595	1598	1700	2747	1598, 2710	2747				1191, 1700, 2916
HB 548	940	945										1514
HB 549	940	945	988	1080	1187	1255		1255				948, 1187, 1415
HB 550	940	945	1595	1599	1700	2687	1595, 2310, 2316	2687	4657		4669 (4673)	1415, 1864, 2691, 2916
HB 551	940	945	957	957	1187	1715	1207, 4662	1715, 4664	4657	4664	4673 (4673)	952, 953, 1187, 1719, 2691
HB 552	940	945										
HB 553	948	951										
HB 554	948	951										956
HB 555	948	951	2803	2810	3237							1428, 3325
HB 556	948	951										953, 955
HB 557	948	951										
HB 558	948	951	1571	1571	1700	1930		1930				1257, 1700, 2309, 2691
HB 559	954	957	1571	1572	1700	2743	1577	2743				1257, 1700, 2754, 2915, 2916
HB 560	954	957	1571	1582	1700	2743	1586	2743				1257, 1700, 2753, 2754, 2915, 2916
HB 561	954	957										
HB 562	954	957	1656	1659	1713	2910	1664, 1720, 2316	2910				1411, 1421, 1864, 2915, 2916, 2922, 3243, 3334
HB 563	954	957	1595	1612	1700	1931		1931	4657		4669 (4673)	1191, 1700, 2309
HB 564	954	957										
HB 565	954	957										
HB 566	954	957	2718	2718	2906							2699, 3325
HB 567	954	957	2517	2518	2682							1704, 2682, 3330

Bill No.	**Into-duced**	**Re-ferred**	**Re-ported**	**Readings**			**Sub or Amend**	**Voting***	**Senate Message**	**Concur Activities**	**Enrolled (Del. to Gov.)**	**Other Action**
				1st	**2nd**	**3rd**						
HB 568	954	957										1704, 2753
HB 569	954	957	2045	2050	2558	2704		2704	4049		4052 (4053)	1871, 2559, 2754, 2916
HB 570	954	957	1473	1479	1592	2698	1619, 1879, 1881	2698	3996		4052 (4053)	1257, 1376, 1593, 2709, 2710, 2916
HB 571	954	957	1623	1634	1713	2748		2748	4421		4422 (4639)	1415, 1864, 2754, 2916
HB 572	954	957	1473	1481	1592	2908		2909	3996		4052 (4053)	1207, 1257, 1376, 1418, 1593, 2916, 3243
HB 573	954	957										1085
HB 574	954	957										1191
HB 575	954	957	1623	1634	1713	2906		2907				1406, 2559, 2915, 2916
HB 576	954	957										
HB 577	954	957	1104, 1377	1104	1252	1423	1127, 1377, 3971	1423, 3995	3285	3971, 3995	4052 (4053)	1082, 1253, 1255, 1401, 1408, 1514, 1518, 3908, 4003, 4053
HB 578	954	957	2517	2518	2682							1428, 2906, 3330
HB 579	954	957	2517	2519	2682							1428, 2743, 3330
HB 580	954	957	1623	1635	1713	2747	1636, 1883	2747				1377, 1926, 2559, 2916
HB 581	957	1087										1415, 2570
HB 582	1084	1087	2517	2522	2682							1085, 1704, 2753, 2906, 3338
HB 583	1084	1087										1704
HB 584	1084	1087	2718	2719	2906		2719, 3393					1704, 3325
HB 585	1084	1087	2752	2753	2906	3268	2753	3268				2708, 2709, 3238, 3270, 3275, 3334
HB 586	1084	1087	2016	2016	2558	2704		2704				1704, 2559, 2709, 2754, 2915, 2916, 3270
HB 587	1084	1087	1623	1638	1713							1377, 2559, 3330
HB 588	1084	1087	1485	1512	1592	2561	1618	2561				1085, 1210, 1593, 2568, 2570
HB 589	1084	1087										
HB 590	1084	1087										
HB 591	1084	1087										
HB 592	1084	1087	2517	2522	2682		2693					1257, 2906, 3338

Bill	Into-	Re-	Re-	Readings			Sub or		Senate	Concur	Enrolled	Other
No.	**duced**	**ferred**	**ported**	**1st**	**2nd**	**3rd**	**Amend**	**Voting***	**Message**	**Activities**	**(Del. to Gov.)**	**Action**
HB 593	1190	1210	2609	2609	2695	2912	2634, 2714, 4095	2912, 4097	4049	4097	4135 (4148)	1415, 2703, 2915, 3334, 4067, 4674
HB 594	1190	1210										1595
HB 595	1190	1210	1623	1640	1713	2561	1645, 4124, 4125	2561, 4125	4084	4125	4135 (4148)	1257, 1376, 1929, 3243, 4097
HB 596	1190	1210	1656	1670	1713	2560		2560	4657		4669 (4673)	1421, 1864
HB 597	1190	1210	1571	1590	1700	2561		2562				1257, 1864, 2568
HB 598	1190	1210	1571	1590	1700	2562	1591, 2693	2562				1257, 1864
HB 599	1190	1210										
HB 600	1190	1210										1377
HB 601	1190	1210										
HB 602	1190	1210										
HB 603	1190	1210										1415
HB 604	1190	1210	2770	2773	3237		2778, 2779, 2916, 3251, 3258					1415, 3325
HB 605	1190	1210	1529	1532	1700							1410, 1700, 3330
HB 606	1190	1210										1376, 1415, 3394
HB 607	1190	1210										1704
HB 608	1190	1210										
HB 609	1190	1210	1676	1676	1713	2705	1681	2705	4421		4422 (4639)	1408, 1415, 2715, 2754, 2916
HB 610	1190	1210										
HB 611	1209	1409	2055	2055	2558	2706	2061, 2569	2706				1704, 2682, 2709, 2754, 2915, 2916, 4634
HB 612	1209	1409										
HB 613	1209	1409										1376, 3325
HB 614	1209	1409	1676	1686	1713	2696		2696				1428, 1929, 2700, 2916
HB 615	1209	1409	1650	1652	1713		2568					1419, 1428, 2682, 3325
HB 616	1256	1409										1419
HB 617	1256	1409										1419
HB 618	1256	1409										1376, 1718
HB 619	1256	1409	2016	2017	2558	2746	2700	2747	4657		4669 (4673)	1704, 2559, 2747, 2916
HB 620	1256	1409										
HB 621	1257	1409	2055	2066	2558	2744		2744				1704, 2682, 2754, 2916
HB 622	1257											
HB 623	1257	1409										1376, 1704
HB 624	1377	1409										
HB 625	1377	1410	2598	2601	2695							1935, 3238

Bill	Into-	Re-	Re-	Readings			Sub or		Senate	Concur	Enrolled	Other
No.	**duced**	**ferred**	**ported**	**1st**	**2nd**	**3rd**	**Amend**	**Voting***	**Message**	**Activities**	**(Del. to Gov.)**	**Action**
HB 626	1377	1409	2055	2069	2558	2745		2745				1704, 2682, 2754, 2916
HB 627	1377	1410	2543, 2575	2544	2682	3240	2545, 2575, 2701, 2710, 2711, 2757, 2922, 4644	3240, 4645	4084	4645	4655 (4673)	1408, 1419, 1425, 1519, 1926, 2562, 2694, 2715, 2743, 2753, 2759, 2922, 3270, 3275, 4097
HB 628	1377	1409										
HB 629	1377	1410										1704, 1871
HB 630	1405	1409										1871
HB 631	1405	1409	2770	2779	3237		2781					1425, 1428, 3325
HB 632	1405	1409										1408
HB 633	1405	1409	2517	2523	2682	3242		3242	4657		4669 (4673)	1428, 2682, 3243, 3270, 3334
HB 634	1405	1409										1428
HB 635	1406	1409	1650	1652	1713							1428, 1864, 3330
HB 636	1406	1409										1408, 1419
HB 637	1406	1409										1408, 1419, 1428
HB 638	1406	1409										
HB 639	1406	1410	2762	2762	3237		2766, 3261					1619, 2699, 3325
HB 640	1406	1409	2724	2724	2906		2725, 2758					2690, 2715, 3264, 3325
HB 641	1406	1409										
HB 642	1406	1409										1704
HB 643	1406	1409										
HB 644	1406	1409	2319	2319	2682	2912		2912	4657			1704, 2743, 2915, 3334
HB 645	1406	1409	2319	2323	2682	2909	2758	2909				1704, 2682, 2915, 2916
HB 646	1406	1409	2576	2580	2695	2912		2912				1704, 2743, 3334
HB 647	1409	1421										
HB 648	1409	1421	1676	1689	1713		1721, 2756					1518, 1594, 2682
HB 649	1409	1421										1595
HB 650	1409	1421	1529	1540	1700	2559	1556, 1720, 2309	2559	3327		3908 (3909)	1419, 1425, 1428, 1619, 1700, 1926, 2570, 2691
HB 651	1409	1421										1711
HB 652	1409	1421										1711
HB 653	1409	1421										1711, 2699
HB 654	1409	1421										2563

Bill	Into-	Re-	Re-	Readings			Sub or		Senate	Concur	Enrolled	Other
No.	duced	ferred	ported	1st	2nd	3rd	Amend	Voting*	Message	Activities	(Del. to Gov.)	Action
HB 655	1412	1421										1425
HB 656	1412	1421										
HB 657	1412	1421										
HB 658	1412	1421										
HB 659	1413	1421										1519, 1866, 3264
HB 660	1413	1421										1619
HB 661	1413	1421										
HB 662	1413	1421										1519, 2709
HB 663	1413	1421										1935, 2568
HB 664	1413	1421										1594
HB 665	1413	1421										1704, 2699
HB 666	1413	1421										
HB 667	1413	1421										1871
HB 668	1413	1421	2718	2720	2906		2757					1871, 3325
HB 669	1413	1421	2016	2017	2558							1704, 2743
HB 670	1413	1421	2665	2665	2695	2745	2671	2745				1871, 2703, 2753, 2754, 2916
HB 671	1413	1421	2576	2580	2695	2747	2582	2747	4657		4669 (4673)	1595, 2694, 2703, 2754, 2916
HB 672	1413	1421	2576	2584	2695	2907	2754, 2585	2907	4657		4669 (4673)	1595, 2694, 2743, 2916
HB 673	1413	1421										
HB 674	1413	1421										
HB 675	1413	1421										
HB 676	1413	1421										
HB 677	1413	1421	2026	2026	2558	2704		2704				1595, 2682, 2754, 2915, 2916
HB 678	1413	1421										
HB 679	1413	1421	2831	2831	3237							1428, 3325
HB 680	1413	1421										
HB 681	1413	1421										
HB 682	1413	1421										
HB 683	1413	1421	2055	2086	2558	2697	2692	2697				1704, 2559, 2700, 2916
HB 684	1413	1421	2576	2586	2695	2907	2710	2907				1871, 2743, 2916
HB 685	1413	1421	2576	2587	2695	2911	2589	2911	4421		4422 (4639)	1519, 1871, 2743, 2915, 2916, 3334
HB 686	1413	1421										
HB 687	1413	1421										
HB 688	1413	1421	2576	2591	2695		2591					1871, 2694, 3238
HB 689	1413	1421										
HB 690	1413	1421										
HB 691	1413	1421										1871

Bill	Into-	Re-	Re-	Readings			Sub or		Senate	Concur	Enrolled	Other
No.	**duced**	**ferred**	**ported**	**1st**	**2nd**	**3rd**	**Amend**	**Voting***	**Message**	**Activities**	**(Del. to Gov.)**	**Action**
HB 692	1413	1421										
HB 693	1413	1421										
HB 694	1414	1421										1622
HB 695	1414	1421	2576	2591	2695							1871, 2743, 3330
HB 696	1414	1421	2598	2602	2695		2700					1935, 3238
HB 697	1414	1421										1704
HB 698	1414	1421										
HB 699	1414	1421										
HB 700	1414	1421	1868	1868	1929		1869					1519, 1594, 1926, 2682
HB 701	1414	1421										2699
HB 702	1414	1421										1704
HB 703	1414	1421	2016	2019	2558	2696	2569	2696	4664		4673 (4673)	1704, 2682, 2699, 2700, 2916
HB 704	1414	1421										1519
HB 705	1414	1421										
HB 706	1414	1421										
HB 707	1414	1421										
HB 708	1414	1421	1571	1592	1700	1714	1592, 4146	1714, 4660	4084, 4413, 4657	4147	4673 (4673)	1425, 1700, 2691, 4097, 4625, 4643, 4655, 4659
HB 709	1414	1421										
HB 710	1414	1421	3230	3231	3265							1935, 3264
HB 711	1414	1421										
HB 712	1414	1421										
HB 713	1414	1421										2699
HB 714	1414	1421										
HB 715	1414	1421										

Numbers refer to page of House Journal. The text of a bill is given on first reading.
*Voting modifications are listed after the roll call vote - Appendix C.

Bill	Intro-	Re-	Re-	Readings			Sub or		Senate	Concur	Enrolled	Other
No.	duced	ferred	ported	1st	2nd	3rd	Amend	Voting*	Message	Activities	(Del. to Gov.)	Action
HR 1	1	8						2				42
HR 2	1	8						2				42, 54
HR 3	17							17				17
HCR 4	6	8										12, 52, 186, 1428, 1519
HCR 5	6	8	14	16	42	53		53				9, 14, 44, 46, 55, 614
HCR 6	6	8										12, 32, 55, 143, 324
HJR 7	6	8	512	547	568	945	766, 941, 4664	946	4664, 4673	4665		462, 573, 756, 1206
HCR 8	6	8	222	222	276	1411	223, 3971	1411, 3971	3327	3971	4052 (4053)	55, 142, 355, 463, 760, 1419, 2691, 3908, 4053
HJR 9	6	8	512	548	568	610	766	610				462, 575
HJR 10	6	8	1656	1672	1713	2912		2912				12, 1421, 1864, 3334
HJR 11	6	8	512	548	568	937	549, 4120, 4133	937, 4120, 4134	4085	4120, 4134	4135 (4148)	32, 462, 575, 4133
HJR 12	6	8										32, 44, 415
HCR 13	7	8	2831	2831	3237							192, 3325
HCR 14	7	8	112	138	181	216		216				12, 32, 43, 44, 55, 143, 181, 219, 242, 573
HCR 15	7	8	205	205	235	278		278				55, 237, 280, 286
HCR 16	7	8	209	214	235	355		355				44, 147, 237, 360, 361, 407, 614
HCR 17	7	8	1240	1249	1401	1425	1355, 1407, 1514	1425				287, 324, 415, 1207, 1210, 1376, 1401, 1514, 1519, 1872, 4634, 4674
HJR 18	7	8	1656	1672	1713	2748	1873	2748				44, 1206, 1256, 1406, 1421, 1864, 2916
HJR 19	7	8	512	549	568	611		611				32, 462, 575
HCR 20	7	8	205	205	235	278		278				12, 32, 55, 237, 280, 281, 286
HCR 21	7	8										
HCR 22	7	14	225	234	276	321	235	321				55, 276, 322, 360, 614
HCR 23	7	14	84	89	181	188		188	1425		1593 (1594)	55, 181, 218, 614

APPENDIX B -- HISTORY OF HOUSE RESOLUTIONS IN THE HOUSE
2004 Regular Session

Bill	**Intro-**	**Re-**	**Re-**	**Readings**			**Sub or**		**Senate**	**Concur**	**Enrolled**	**Other**
No.	**duced**	**ferred**	**ported**	**1st**	**2nd**	**3rd**	**Amend**	**Voting***	**Message**	**Activities**	**(Del. to Gov.)**	**Action**
HCR 24	7	14	84	89	181	189	90	189	1425		1593 (1594)	55, 181, 218, 614
HCR 25	7	14										
HCR 26	7	14	269	274	283	356		356				218, 284, 407, 614
HCR 27	7	14	269	274	283	290		290	4421		4422 (4639)	218, 284, 360
HCR 28	7	14										241
HCR 29	7	14	63	76	139	183		183				42, 139, 192, 218, 280
HCR 30	7	14	63	76	139	216		217	2573		2687 (2688)	42, 139, 188, 218, 242
HCR 31	8	14	84	90	181	237		238	1425		1593 (1594)	55, 181, 242, 614
HCR 32	8	14	84	90	181	238	91	238	2748		2906, (2910)	55, 181, 242, 614
HCR 33	8	14	84	91	181	238	91	238	2748		2906, (2910)	55, 181, 242
HCR 34	8	14	84	91	181	238		238	1425		1593 (1594)	55, 181, 242
HCR 35	8	14	269	275	283	290		290				44, 218, 284, 360
HCR 36	8	14	269	275	283	356		357				218, 284, 407, 614
HR 37	8							9				614
HJR 38	11	14										
HCR 39	11	14	63	76	139	183		183				42, 186, 192, 280
HJR 40	11	14	512	550	568	719		719				462, 575, 1206
HCR 41	11	14										55, 242, 408
HJR 42	11	14	512	551	568	611		611				32, 462, 575
HJR 43	11	14	512	551	568	756		756				462, 718, 824, 1206
HCR 44	11	14	222	224	276	284		284				52, 142, 276, 281, 286, 287, 292, 573, 614
HCR 45	11	14	222	224	276	284		284				52, 142, 276, 281, 286, 287, 292, 573, 614
HJR 46	11	14	512	551	568	719		720				462, 575, 1206
HR 47	11	14						47				32, 47, 614
HR 48	11	14						48				32, 47, 52, 614
HR 49	11	14						49				33, 47, 52, 614
HR 50	11	14						49				33, 47, 52, 614
HR 51	11	14						50				33, 47, 52, 614
HR 52	11	14						51				33, 47, 52, 614
HR 53	13	41	777	784	881							55, 882, 3330
HJR 54	13	42	512	552	568	720		720				462, 609, 617, 759, 1206
HJR 55	13	42	909	910	945	1402		1402				825, 952, 1415, 2691
HR 56	13	42						236				241
HCR 57	13	42	2543	2545	2682	2908		2908				142, 2682, 2916
HJR 58	43	45										

Bill	Intro-	Re-	Re-	Readings			Sub or		Senate	Concur	Enrolled	Other
No.	duced	ferred	ported	1st	2nd	3rd	Amend	Voting*	Message	Activities	(Del. to Gov.)	Action
HCR 59	43	45										
HCR 60	53	57	2598	2607	2695		2608					1935, 2743, 3330
HR 61	54	54										
HR 62	54	57						140				
HCR 63	55	57	296	296	355	500		500	4657		4669 (4673)	192, 355
HJR 64	55	57	222	225	276	321	3327	321, 3328	946	3327, 3328	3908 (3909)	142, 276, 360, 614, 4003
HJR 65	83	147	1210	1216	1401	1423		1424				777, 1401
HCR 66	83	147	333	337	405	413		413	1425		1593 (1594)	187, 405, 422, 462, 614
HCR 67	83	147	466	477	557	569		569	1256		1401 (1410)	187, 557
HCR 68	83	147										
HJR 69	142	147	736	753	763	938		938				613, 818
HR 70	139							139				
HR 71	141							141				
HCR 72	142	147										
HCR 73	142	147										
HCR 74	142	147										
HR 75	146	187						189				192, 614
HR 76	146	187										281
HR 77	145							145				
HCR 78	146	187	364	383	411	458		458				280, 287, 294, 418, 463, 504, 614
HJR 79	147	187										886 --
HR 80	147							183				
HR 81	184	187						191				
HJR 82	184	187	512	553	568	720		720				462, 609, 759, 1206
HR 83	190							190				614
HR 84	192	197										
HR 85	197	221						240				
HCR 86	217	221										
HCR 87	217	221	269	275	283	290		290				241, 284, 294, 360, 956
HR 88	221							239				
HR 89	236							240				
HJR 90	245	283	736	753	763	883		883				613, 818
HJR 91	279	283	512	553	568	611		611				462, 575
HR 92	278							278				
HR 93	279	283						357				3243
HR 94	280	283						285				
HR 95	280	283						285				
HR 96	286	289						408				
HR 97	286	289						290				
HJR 98	292	296	564	568	575	720	568, 3330	720, 3330	1594	3330	3908 (3909)	294, 422, 609, 759, 886, 1206, 4003
HR 99	322	333						358				

Bill	Intro-	Re-	Re-	Readings			Sub or		Senate	Concur	Enrolled	Other
No.	duced	ferred	ported	1st	2nd	3rd	Amend	Voting*	Message	Activities	(Del. to Gov.)	Action
HR 100	333	364						456				
HR 101	333							358				614
HCR 102	359	364	1650	1653	1713		2693, 2714					1428, 2682, 3330
HJR 103	360	364	1257, 1723	1347	1401	1932		1932				1210, 1402, 1864, 2309
HJR 104	360	364	1257, 1723	1348	1401	1932		1932	4673			1210, 1402, 1864, 2309
HJR 105	360	364	1257, 1723	1348	1401	1932		1933	4673			1210, 1402, 1864, 2568, 2700
HCR 106	360	364	2543	2546	2682	2744	2546	2744				1933, 2682, 2754, 2915, 2916
HJR 107	363	411	909	910	945	1253		1254				613, 952, 1415
HR 108	414	417						456				614
HR 109	414	417						501				
HR 110	420							420				
HR 111	419							419				504, 614
HCR 112	421	425	1191	1205	1252	1594		1594				504, 886, 1252, 1617, 1619
HJR 113	421	425	1250	1250	1401	1423	1251	1423	4657		4669 (4673)	504, 757, 1085, 1401
HCR 114	462	465	754	755	763	883		883				613, 818
HR 115	459							459				
HJR 116	462	465	909	911	945	1254	912	1254				613, 952, 1415
HR 117	462	465						502				
HR 118	460							460				614
HJR 119	503	507										
HCR 120	503	507	839	842	935	1702		1702	4657		4669 (4673)	579, 1187
HCR 121	503	507	839	843	935	2911		2911	4657		4669 (4673)	579, 1187
HCR 122	503	507	839	843	935	2749		2749	4657		4669 (4673)	579, 1187, 2916
HCR 123	503	507	839	843	935	2911		2911	4657		4669 (4673)	579, 1187, 2916
HCR 124	503	507	909	912	945	1189		1189				825, 826, 952
HR 125	503	507						571				
HJR 126	559	563	1656	1673	1713	2907	1673	2907				561, 1406, 1421, 1864, 2916
HR 127	559	563						570				
HJR 128	559	563	1181	1182	1252	1423		1423				613, 1252
HJR 129	559	563	839	843	935	946	844	946				765, 937, 949, 1206
HR 130	577							577				1206
HR 131	578	583						609				
HJR 132	578	583										
HR 133	578	583						608				
HCR 134	579	583	839	845	935	953	759, 845	953				765, 937, 955, 1084, 1206
HJR 135	579	583	839	845	935	1081	846	1081				765, 937, 1084
HJR 136	613	619	892	897	945	1402		1402	4657		4669 (4673)	777, 826, 944, 952, 1415, 2691

Bill No.	Intro-duced	Re-ferred	Re-ported	Readings			Sub or Amend	Voting*	Senate Message	Concur Activities	Enrolled (Del. to Gov.)	Other Action
				1st	2nd	3rd						
HR 137	613	619						774				
HR 138	612							612				
HR 139	613	619	1473	1484	1592	1701		1701				613, 726, 760, 774, 826, 890, 941, 1593, 1704, 1719, 2691
HR 140	613	619	909	912	945	1082		1082				825, 952
HR 141	613	619						721				
HJR 142	722	727	957	959	1187	1593		1593				952, 953, 1187, 1617, 2691
HJR 143	722	727	835	839	935	1188		1188				765, 937
HCR 144	758	763	3303	3303	3908							885, 3958
HR 145	758	763						820				1206
HR 146	758	763						774				
HJR 147	758	763	909	913	945	1402	956	1402				825, 952, 956, 1376, 1415, 2691
HR 148	764							764				
HR 149	765	777						821				
HJR 150	765	777	835	839	935	946		947				819, 937, 1206
HR 151	819							819				826, 1206
HR 152	824	827						884				
HJR 153	824	827										
HR 154	824	827						935				
HR 155	824	827	957	959	1187		1517, 1518					952, 953, 1187, 3330
HJR 156	824	827	2831	2832	3237							2575, 3325
HR 157	822							822				
HR 158	822							823				1206
HR 159	824	827										
HR 160	824	827										2690
HCR 161	885	892	1485	1513	1592	2560	2316	2560				1210, 1593
HR 162	885	892						1622				944
HR 163	885	892										
HR 164	885	892										
HR 165	885	892										
HR 166	885	892										
HCR 167	885	892										
HR 168	939							940				
HR 169	940	945										1426
HR 170	940	945										
HR 171	948	951						1595				
HCR 172	948	951	1526	1526	1700	2695		2695				1376, 1415, 1700, 2700, 2916
HR 173	948	951						1866				949
HR 174	948	951	1526	1527	1700	2560		2560				1415, 1700, 2570, 2700
HR 175	948	951						1255				

Bill	Intro-	Re-	Re-	Readings			Sub or		Senate	Concur	Enrolled	Other
No.	duced	ferred	ported	1st	2nd	3rd	Amend	Voting*	Message	Activities	(Del. to Gov.)	Action
HR 176	951	957										
HR 177	951	957										
HR 178	955	957						1083				
HR 179	955	957										
HR 180	955	957						1404				2691
HR 181	955	957										
HR 182	1081							1081				
HR 183	1082							1082				
HCR 184	1084	1087										
HR 185	1084	1087										
HCR 186	1084	1087	3303	3303	3908							2690, 3958
HCR 187	1084	1087	1675	1675	1713	2705	1675	2705				1428, 2715, 2754, 2916
HR 188	1084	1087					1516	1422				1402, 1617
HR 189	1084	1087	1623	1649	1713	2560		2560				1425, 1594, 1595, 1864
HCR 190	1085	1087	1428	1431	1592	1714		1715	4421		4422 (4639)	1257, 1593, 2691
HR 191	1085	1087										
HJR 192	1190	1210	1656	1674	1713	2907		2907				1421, 1864, 2916
HR 193	1190	1210										
HCR 194	1190	1210	1656	1674	1713	2705		2706				1421, 2754, 2916
HJR 195	1190	1210										1415
HJR 196	1209	1409										
HR 197	1209	1410										1426
HCR 198	1209	1409	2016	2020	2558	2695		2696				1704, 2559, 2700, 2916
HR 199	1209	1410										
HR 200	1209	1410						1412				2691
HR 201	1210	1410										1427
HCR 202	1257	1409	1428	1431	1592	1864		1865				1412, 1415, 1593, 1871, 1926, 2308, 2691
HCR 203	1257	1409	1675	1676	1713	2697	2691	2697				1428, 1864, 2699, 2700, 2701
HCR 204	1257	1410										1408, 2694
HR 205	1257							1404				
HCR 206	1406	1409	1935	1935	2558	2705		2705				1718, 2559, 2754, 2916
HJR 207	1406	1409	2055	2090	2558	2695		2695	4421		4422 (4639)	1704, 2559, 2700, 2701, 2916
HR 208	1406	1410						2761				
HJR 209	1414	1421										1256

Bill No.	Intro- duced	Re- ferred	Re- ported	Readings 1st	2nd	3rd	Sub or Amend	Voting*	Senate Message	Concur Activities	Enrolled (Del. to Gov.)	Other Action
HCR 210	1414	1421	2055	2091	2558	2698	2091	2698				1704, 1712, 2559, 2694, 2699, 2701, 2916
HJR 211	1414	1421	2576	2594	2695							1595, 2703, 3330
HJR 212	1414	1421	2598	2608	2695	2908		2908				1935, 2703, 2916
HR 213	1414	1421						2690				1519, 1619, 1712, 2570
HJR 214	1414	1421	2319	2331	2682	2698	2333	2698	3285		3286 (3326)	1704, 2682, 2701, 2916
HCR 215	1414	1421	2055	2093	2558	2697		2697				1704, 2559, 2700, 2701, 2916
HJR 216	1414	1421	2724	2728	2906	3241	2728, 2729	3241				2690, 2906, 3243, 3264, 3334
HCR 217	1414	1421										
HJR 218	1415	1421	2676	2679	2695	2744		2744	4421		4422 (4639)	1935, 2703, 2754, 2759, 2915, 2916
HR 219	1415	1421	2319	2334	2682	2707		2707				2562, 2682, 2709, 2754, 2916
HCR 220	1415	1421	2676	2680	2695	2910	2680	2910				1935, 2743, 2916
HR 221	1421	1521						2574				
HR 222	1428	1521						1929				2916
HCR 223	1428	1521	1935	1935	2558	3239		3239			4052 (4053)	1718, 2317, 2559, 3334
HR 224	1621							1621				
HR 225	1704	1713	2598	2608	2695	2746		2746				1935, 2703, 2915, 2916
HR 226	1703							1703				
HR 227	1703							1703				
HR 228	1704	1713						2752				
HR 229	1717							1717				
HR 230	1718	1723						1866				
HR 231	1868	1929						1934				
HR 232	1868	1929						1933				3271
HR 233	1868	1929						1934				
HR 234	1935	2319						2562				
HR 235	1935	2319						3957				
HR 236	2563	2574						2688				
HR 237	2574	2703	3927	3927	3955							2694, 3908, 3958
HR 238	2573							2573				
HR 239	2686							2686				
HR 240	2689	2703						2689				
HR 241	2699	2703						2708				

Bill	Intro-	Re-	Re-	Readings			Sub or		Senate	Concur	Enrolled	Other
No.	duced	ferred	ported	1st	2nd	3rd	Amend	Voting*	Message	Activities	(Del. to Gov.)	Action
HR 242	2709	2718						2914				
HR 243	2707							2707				
HR 244	2709	2718										
HR 245	2709	2718						2749				2916
HR 246	2718	2762						4001				
HR 247	2718							2750				2916
HR 248	2752	2762										
HR 249	2751							2751				
HR 250	2762	2925										
HR 251	2913							2913			3267	
HR 252	3242	3265						4000				
HR 253	3265							3269				
HR 254	3265							3266				
HR 255	3287							3331				
HR 256	3287	3399										
HR 257	3287							3333				
HR 258	3287							3331				
HR 259	3287							3332				
HR 260	3398	2953						4626				
HR 261	3398							3398				
HR 262	3398	2953						3997				
HR 263	3398	2953						4002				
HR 264	3398	2953						3998				3936, 3952
HR 265	3399	2953						3997				
HR 266	3399	2953						4000				
HR 267	3953	4050						4049				
HR 268	3953							3958				
HR 269	3953							3955				
HR 270	3953							3999				
HR 271	4000							4000				
HR 272	4050	4067						4630				
HR 273	4067	4423						4629				
HR 274	4067	4423						4631				
HR 275	4067	4423						4633				
HR 276	4067	4423										4674
HR 277	4423							4632				
HR 278	4422											4643
HR 279	4422							4630				
HR 280	4422							4641				4643
HR 281	4423											4643
HR 282	4422											4643
HR 283	4422											4643
HR 284	4423							4628				
HR 285	4631							4631				
HR 286	4633							4642				4636
HR 287	4633											
HR 288	4642											
HR 289	4642											
HR 290	4642											
HR 291	4642											

Bill	Intro-	Re-	Re-	Readings			Sub or		Senate	Concur	Enrolled	Other
No.	duced	ferred	ported	1st	2nd	3rd	Amend	Voting*	Message	Activities	(Del. to Gov.)	Action
HR 292	4642											
HR 293	4642											
HR 294	4643											
HR 295	4643											
HR 296	4656							4656				

Numbers refer to page of House Journal. The text of a bill is given on first reading.
*Voting modifications are listed after the roll call vote - Appendix C.

Bill	Senate	Re-	Re-	Readings			Sub or		Concur	Enrolled	Other
No.	Message	ferred	ported	1st	2nd	3rd	Amend	Voting*	Activities	(Del. to Gov.)	Action
SB 1	187	245	3953	3953	4051		3954, 4017, 4065, 4066, 4418				948, 955, 1206, 1256, 3907
SB 2	946	951									
SB 4	283	295									
SB 14	363	417	1595	1613	1700	3239	1706, 1719, 2700	3239		4099	1377, 1864, 3270, 3334
SB 15	187	245	2925	2925	3265						2718, 3325
SB 16	406	417	2576	2595	2695	4132	3247, 3249, 3392	4132		4135	1871, 2906
SB 17	406	417	2925	2926	3265		3246, 3247, 3945, 4418				2709, 3325
SB 18	718	727									
SB 25	2573	2703									
SB 28	756	763	1087	1100	1252	1424	1102, 1415	1424		4099	955, 1252
SB 34	1256	1409	2026	2027	2558	3325	2036, 3271, 3392	3326		4099	1704, 2743, 3334, 4003, 4053
SB 36	569	583	2762	2769	3237						3238
SB 37	1209	1409	1945	1946	2558	3240		3240		3274	1718, 2743, 3270, 3334
SB 38	2925	3265									
SB 39	500	507									
SB 40	406	417	2576	2596	2695	4051	3244, 3245, 3392, 3952, 4021, 4065	4051		4053	1871, 2906, 4053
SB 45	569	583	976	984	1187	1700	986, 1709, 1710	1701		4099	941, 1252, 1704, 1705, 1719, 2691
SB 47	363	417	2547	2548	2682	3274		3274		3325	1622, 2906, 3275, 3334
SB 52	891	945	2770	2782	3237	4646	2783, 3283, 3284, 3380, 3382, 3948, 3949, 4021	4646		4673	1415, 3238, 3957
SB 55	363	417	1935	1936	2558	4097	3281, 3282, 3938, 4005, 4017, 4041	4097			1718, 2743, 3909
SB 60	891	945	3303	3303	3908		3304, 3308, 4004, 4005, 4036				2752, 3908
SB 62	946	951	2925	2926	3265						2709, 3325
SB 63	363	417	2770	2785	3237	3326	3270	3326		4099	1415, 3238, 4003
SB 64	406	417	2721	2723	2906		2723, 2920, 3271, 4030				2563, 3325
SB 70	718	727									955
SB 71	891	945									
SB 72	756	763									
SB 75	882, 4413	892	2547	2548	2682	3959	2553, 3262	3959		4673	1622, 2906, 4053, 4417

APPENDIX B -- HISTORY OF SENATE BILLS IN THE HOUSE
2004 Regular Session

Bill	Senate	Re-	Re-	Readings			Sub or		Concur	Enrolled	Other
No.	Message	ferred	ported	1st	2nd	3rd	Amend	Voting*	Activities	(Del. to Gov.)	Action
SB 77	283	295	3230	3232	3265	3326	3233	3326		4099	425, 3266, 3334, 4003
SB 78	946	951									
SB 79	406	417	2547	2557	2682	3240	2758	3241		4099	1622, 2906, 3243, 3270, 3334, 4634
SB 80	764	777	2319	2335	2682	3239	2692	3239		4099	1415, 2906, 3275
SB 83	946	951	1935	1940	2558	3241	2313, 2314, 2316	3241		4099	1718, 2743, 3243, 3270, 3334
SB 84	500	507									
SB 85	756	763	3292	3292	3908	3960	3950	3960		4049	3265, 3908, 4053
SB 86	2688	2703	3828	3828	3955	4135		4135		4148	2762, 3958
SB 87	500	507									
SB 88	507	563	3927	3928	3955						3909, 3958
SB 89	2910	2925	3828	3830	3955		4673, 4674				2925, 3958
SB 92	569	583	3229	3229	3265	3274	3276, 3277	3274		3325	1415, 3309, 3266, 3275, 3334
SB 95	1187	1377	3303	3308	3908	4098	3325, 4023, 4030, 4037, 4044	4098		4422	2699, 3908, 4634
SB 96	1931	2319	2724	2729	2906	4052	3394	4052		4135	2690, 3238, 4634
SB 97	2688	2703									
SB 100	507	563	2319, 3295	2336	2682	4625	4423, 4591, 4592				1415, 2682, 3274, 3275, 3325, 4422, 4624
SB 102	2925	3265	3828	3830	3955		3830				3274, 3275, 3958
SB 103	569	583									2709
SB 104	756	763									
SB 106	500	507	3292	3294	3908		3294, 3936, 3937, 3938, 3943, 3944, 3946, 3951, 4023, 4032, 4033, 4034, 4035, 4039				3265, 3908
SB 109	882	892	2016	2020	2558	3960	3261	3960		4049	1406, 2743, 4053
SB 111	1209, 4133	1409	2770	2785	3237	3959	2791, 2916, 3249, 3251, 3254, 3388, 3390	3959, 4148		4422	1704, 3238, 4053
SB 114	2573	2703									
SB 115	1425	1521	2770	2798	3237	3327	2798, 3382, 3383	3327		4099	1704, 3238, 4003
SB 118	946	951	1521	1526	1700	1931		1931		2561	1189, 1864
SB 122	1209	1409	2026	2045	2558	3239		3239		3274	1704, 2743, 3270, 3275, 3334
SB 124	764	777	1526	1529	1700	3267		3267		3274	1415, 1864, 3270, 3275, 3334
SB 129	3265	3273									
SB 132	946	951	2547	2558	2682	3240		3240		3274	1622, 2906, 3243, 3270, 3334

Bill	Senate	Re-	Re-	Readings			Sub or		Concur	Enrolled	Other
No.	Message	ferred	ported	1st	2nd	3rd	Amend	Voting*	Activities	(Del. to Gov.)	Action
SB 133	891	945	3914	3914	3955	4098	3915, 3927	4098		4669	2752, 3958
SB 135	1425	1521	2517	2525	2682		2920, 3279, 3387, 4017, 4055, 4058, 4635				1704, 2906, 3957
SB 138	1209	1409	2925	2926	3265	3961	3950, 3951	3961		4049	2709, 3325, 4053
SB 139	1931	2319	3911	3911	3955		4040, 4635, 4636				3908, 3958
SB 142	946	951	2016	2026	2558	4097	3938	4097		4135	1406, 2743
SB 143	1704	1713	2818	2818	3237	3961	3952	3961		4049	1871, 3908, 4003, 4053
SB 145	1209	1409	3828	3830	3955	4097	3831	4098		4422	2762, 3325, 3958
SB 146	938	945	3230	3233	3265	3274	3283	3274		3325	1935, 3309, 3266, 3275, 3334
SB 147	2688	2703									
SB 148	1594	1622	2818	2819	3237		2822, 3278, 3391				1871, 3238
SB 150	882	892	2055	2094	2558		3334, 3345, 3387, 3388, 4036				1210, 2743
SB 151	1187	1210	2319	2340	2682		2428, 3368, 3380, 4037				1402, 2906
SB 152	1187	1210	3399	3399	3955		3614, 4037				1402, 2690, 3908, 3909, 3958
SB 153	1187	1210	2925	2930	3265		3261, 3271, 3384, 3387, 3393, 3946, 4636				2709, 3266
SB 154	1187	1210	1945		2558		1980, 3275, 3357, 3368, 3952, 4037, 4040				1415, 2743
SB 155	946	951	2831	2833	3237		2905, 3277, 3345, 3357				1428, 3266, 3957
SB 156	1187	1210	3839	3839	3955	4624	3871, 4021, 4045, 4048	4625		4669	1622, 1871, 2703, 3958
SB 160	891	945	1227	1234	1401		3380, 3383, 3384, 3387				1085, 1401
SB 161	882	892	1104	1150	1252		3382				955, 1252
SB 163	1209	1409	2563, 3834	2567	2682	4653	2567, 2568, 3392, 3834, 4036	4654			1415, 2762, 2906
SB 171	1594	1622	2803	2811	3237	3326	2814	3326		4099	1935, 3238, 4003
SB 174	2925	3265	3828	3831	3955		3831				3274, 3958
SB 177	1256	1409	2517	2525	2682	3268		3268		3274	1704, 2906, 3275
SB 179	1704	1713	3287	3287	3908		3289, 4042, 4634				1871, 3908
SB 181	1594	1622	2517	2541	2682					3274	1933, 1935, 2906, 3243, 3270, 3270
SB 183	1704	1713				3241		3242			

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2004 Regular Session

Bill No.	Senate Message	Re-ferred	Re-ported	Readings			Sub or Amend	Voting*	Concur Activities	Enrolled (Del. to Gov.)	Other Action
				1st	2nd	3rd					
SB 184	1704	1713	3927	3929	3955	4052		4052		4099	2709, 3958, 4634
SB 186	1704	1713	2925	3220	3265		3245, 3246, 4636				2718, 3266
SB 187	1704	1713	2925	3221	3265		3276				2709, 3266
SB 188	1704	1713									1871, 3908
SB 189	2925	3265	3287	3292	3908	4132	4066	4133		4135	3287, 3325, 3908
SB 193	2925	3265									
SB 195	1704	1713	3909	3909	3955	4099		4099		4135	3908, 3958
SB 197	1931	2319	3303	3309	3908	3960	3316	3960			2699, 2708, 3270, 3908, 4053
SB 200	2573	2703	2770	2799	3237	3274	3283	3274		3325	2749, 2752, 3309, 3266, 3275, 3334
SB 202	2748	2762									
SB 203	2688	2703	2718	2721	2906	3240		3240		3274	2708, 2906, 3243, 3270, 3334
SB 204	1931	2319									
SB 206	2573	2703	2925	3221	3265	3325	3229, 3393	3325		4099	2709, 3266, 4003, 4053
SB 209	3265	3273	3835	3835	3955	4099	4038	4099		4135	3330, 3958
SB 214	2573	2703	3839	3903	3955		3904				2703, 3958
SB 215	2925	3265									
SB 217	2688	2703									
SB 219	1931	2319	2724	2738	2906	3960	2742, 2758, 3391	3960		4135	2690, 3238, 4053
SB 220	2925	3265									
SB 222	1594	1622	1945	2009	2558	3267		3268		3274	1718, 2743, 3270, 3275, 3334
SB 224	1704	1713	1945	2011	2558	3239		3240		3274	1866, 1871, 2743, 3270, 3334
SB 225	3273	3287	3839	3839	3955	4051		4051		4053	3330, 3399, 3958, 4053, 4634
SB 226	2573	2703									2752
SB 228	2688	2703	3295	3295	3908	4646	3300, 4030	4646		4673	3274, 3275, 3908
SB 231	2688	2703	3839	3904	3955	4134		4134		4135	2703, 3958
SB 237	3265	3273									
SB 241	2925	3265									
SB 244	2688	2703	2818	2827	3237	3268		3268		3274	2703, 3238, 3275, 3334
SB 245	2688	2703	3935	3935	3955	4052	3935, 3936, 4003, 4004, 4017, 4021, 4030, 4034, 4035, 4039, 4040, 4418	4053, 4626		4669	3275, 3325, 3334, 3958, 4003, 4417, 4625, 4626, 4634
SB 246	2925	3265	3835	3835	3955	4051	3254, 3262, 4045	4051		4053	3274, 3958, 4053, 4634
SB 247	2925	3265	4054	4054	4067	4646		4646		4669	4053
SB 248	1931	2319	2609	2660	2695	2912		2913		3238	2562, 2703, 2915, 3334

Bill	Senate	Re-	Re-	Readings			Sub or		Concur	Enrolled	Other
No.	Message	ferred	ported	1st	2nd	3rd	Amend	Voting*	Activities	(Del. to Gov.)	Action
SB 251	2748	2762	3828	3832	3955	4625	3832, 4021, 4022, 4044, 4592, 4624, 4636	4626			3330, 3399, 3958, 4422, 4624
SB 266	3273	3287	3934	3934	3955	4099	4064, 4065	4099		4135	3909, 3958
SB 273	2925	3265	3839	3906	3955	4051		4051		4053	3271, 3275, 3958, 4053, 4634
SB 276	2925	3265	3927	3929	3955						3287, 3958

APPENDIX B -- HISTORY OF SENATE RESOLUTIONS IN THE HOUSE
2004 Regular Session

Numbers refer to page of House Journal. The text of a bill is given on first reading.
*Voting modifications are listed after the roll call vote - Appendix

Bill No.	Senate Message	Re-ferred	Re-ported	Readings			Sub or Amend	Voting*	Concur Activities	Enrolled (Del. to Gov.)	Other Action
				1st	2nd	3rd					
SJR 3	355	364	1945	2014	2558	3960	2015, 3390	3960		4135	1085, 2743, 4003, 4053
SJR 80	1594	1622	2770	2802	3237	3327	2803	3327		4099	2699, 3266, 4003
SJR 83	1704	1713	3295	3295	3908	4132	4023, 4037, 4065	4132		4669	3274, 3908
SCR 93	1256	1409	2676	2681		3242	2681	3242		4099	1935, 2906, 3243, 3334
SCR 115	4421										
SJR 148	3265	3273	3927	3933	3955	4136	4039	4136		4673	3287, 3325, 3958
SJR 156	2748	2762	3229	3229	3265	4135	3230, 3277, 3278	4135			2913, 2915, 3266
SCR 233	4099							4148			
SR 256	4672										

APPENDIX C

2004 REGULAR SESSION

ROLL CALL VOTES

HB 1 Pass (Jan 22) Yeas 95—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 1**—Graham.

Modifications: Barrows, Nay - p 280; Sims, Yea - p 286

HB 2 Pass (Jan 29) Yeas 96—R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Weaver, Yea - p 407; Bather, Yea - p 614

HB 4 Pass (Jan 15) Yeas 91—R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Geveden, Gooch, Gray, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Yonts. **Nays 0.**

Modifications: Denham, Yea - p 184; Comer, Yea - p 192; Wilkey, Yea - p 193; Stein, Yea, - p 280

HB 6 Pass (Jan 16) Yeas 90—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Embry, Farmer, Feeley, Fischer, Ford, Gooch, Graham, Gray, Harmon, Harper, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Montell, Napier, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Wilkey, Yonts. **Nays 0.**

Modifications: Mobley, Yea; Edmonds, Yea; Geveden, Yea; Westrom, Yea - p 218; Bather, Yea - p 614

HB 7 Pass (Jan 16) Yeas 90—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Embry, Farmer, Feeley, Fischer, Ford, Gooch, Graham, Gray, Harmon, Harper, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Montell, Napier, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Wilkey, Yonts. **Nays 0.**

Modifications: Mobley, Yea; Edmonds, Yea; Geveden, Yea; Westrom, Yea - p 218; Bather, Yea - p 614

HB 8 Pass (Feb 3) Yeas 90—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Graham, Gray, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Mckee, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 1**—Couch.

Modifications: Meeks, Yea; Couch, Nay to Yea; Callahan, Yea - p 462; Geveden, Yea - p 504; Bather, Yea - p 614

HB 9 Pass (Feb 18) Yeas 99—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

HB 10 Pass (Mar 8) Yeas 91—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D.D Butler, Callahan, L. Clark, P. Clark, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Miller, Moberly, Mobley, Montell, Napier, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Yonts. **Nays 0.**

Modifications: Cherry, Yea; Wilkey, Yea - p 1872; Meeks, Yea - p 2308; Reinhardt, Yea - p 2309; Bather, Yea - p 2691

HB 11 Pass (Feb 5) Yeas 94—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Wilkey, Yonts. **Nays 0.**

Modifications: Westrom, Yea - p 579

HB 15 Pass (Jan 29) Yeas 94—R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Yonts. **Nays 0.**

Modifications: Bather, Yea - p 614

HB 18 Pass (Feb 4) Yeas 93—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, J. Lee, S. Lee, Lindsay, Marcotte, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Kerr, Yea; Thomas, Yea - p 504

HB 19 Pass (Jan 29) Yeas 85—R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Horlander, Jenkins, J. Lee, S. Lee, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Upchurch, Walton, Wayne, Weaver, Webb, Westrom, Yonts. **Nays 9**—Brinkman, Graham, Hoover, Kerr, Lindsay, Napier, Simpson, Turner, Vincent.

Modifications: Bather, Yea - p 614

HB 20 Pass (Jan 22) Yeas 96—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Barrows, Yea - p 280; Sims, Yea - p 286

HB 21 Pass (Jan 29) Yeas 94—R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Yonts. **Nays 0.**

Modifications: Bather, Yea - p 614

HB 22 Pass (Feb 2) Yeas 79—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Cornett, Couch, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Farmer, Fischer, Ford, Geveden, Gooch, Graham, Gray, Harmon, Harper, Higdon, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Marcotte, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Nelson, Nesler, Pasley, Pullin, Rader, Rand, Rasche, Richards, Riggs, Riner, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 11**—Baugh, Comer, Crall, Crenshaw, Feeley, Hall, Hoffman, Napier, Siler, Simpson, Stein.

Modifications: Lindsay, Yea - p 462; Reinhardt, Yea - p 504; Bather, Yea - p 614

HB 25 Pass (Mar 10) Yeas 96—R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom. **Nays 0.**

HB 29 Pass (Mar 17) Yeas 94—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Wilkey, Yonts. **Nays 0.**

Modifications: Webb, Yea, Ford, Yea - p 2916; Westrom, Yea - p 3334

HB 31 Consider Discharge Petition (Feb 27) Yeas 32—Baugh, Bratcher, Brinkman, D.D Butler, Comer, Cornett, Crall, Crimm, Deweese, Embry, Farmer, Feeley, Fischer, Ford, Harmon, Harper, Higdon, Hoover, Kerr, S. Lee, Marcotte, Mobley, Montell, Napier, Reinhardt, Siler, B Smith, Stewart, Turner, Upchurch, Vincent, Walton. **Nays 44**—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Belcher, Bruce, Buckingham, Burch, D Butler, Callahan, Cherry, L. Clark, P. Clark, Crenshaw, Denham, Graham, Gray, Hall, Horlander, Jenkins, Lindsay, Mckee, Meade, Meeks, Miller, Moberly, Palumbo, Pasley, Pullin, Rand, Richards, Riggs, Simpson, A Smith, Stacy, Stein, Thomas, J Thompson, Wayne, Wilkey, Yonts.

Modifications: Wayne, Nay to Yea - p 1415; Bather, Nay - p 2691

HB 32 Consider Discharge Petition (Mar 1) Yeas 35—Baugh, Bratcher, D.D Butler, Comer, Cornett, Couch, Crall, Crimm, Deweese, Draud, Embry, Farmer, Feeley, Fischer, Ford, Harmon, Harper, Higdon, Hoover, Kerr, S. Lee, Lindsay, Marcotte, Mobley, Montell, Napier, Rader, Siler, B Smith, Stewart, Turner, Upchurch, Vincent, Walton, Wayne. **Nays 19**—J. Adams, Adkins, Barrows, Bruce, Callahan, L. Clark, Crenshaw, Geveden, Horlander, Jenkins, Marzian, Mckee, Meade, Meeks, Miller, Palumbo, Richards, Riggs, Thomas.

Modifications: Nesler, Yea; Lindsay, Yea to Nay - p 1415; Bather, Nay - p 2691

HB 36 Pass (Feb 25) Yeas 100—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

HB 37 Pass (Jan 30) Yeas 85—R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Moberly, Montell, Napier, Nelson, Nesler, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 2**—Farmer, Feeley.

Modifications: Stacy, Yea - p 414; Miller, Yea - p 422; P. Clark, Yea - p 462; Horlander, Yea - p 504; Bather, Yea - p 614

HB 40 Pass (Jan 20) Yeas 94—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Bruce, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Buckingham, Yea - p 218; Vincent Yea - p 242

HB 48 Pass (Mar 18) Yeas 71—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, D.D Butler, Callahan, Cherry, Coleman, Collins, Cornett, Couch, Crall, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoover, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Mckee, Meade, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Simpson, A Smith, B Smith, Stacy, Stewart, Thomas, J Thompson, Weaver, Wilkey, Yonts. **Nays 15**—D Butler, L. Clark, P. Clark, Crenshaw, Graham, Hoffman, Horlander, Jenkins, Marzian, Meeks, Nesler, Sims, Stein, T Thompson, Turner.

Modifications: T. Thompson, Nay to Yea, Barrows, Nay, Riggs, Yea, Miller, Yea to Nay, Nay to Abstain, Webb, Yea - p 3243; Wayne, Nay, Vincent, Nay, Comer, Nay - p 3270; Wilkey, Yea to Nay, Yonts, Yea to Nay - p 3275; Westrom, Yea - p 3334

HB 49 Pass (Jan 22) Yeas 96—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Barrows, Yea - p 280; Sims, Yea - p 286

HB 50 Pass (Jan 29) Yeas 50—R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Belcher, Bruce, Buckingham, Burch, D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Crenshaw, Damron, Denham, Edmonds, Geveden, Gooch, Graham, Gray, Hall, Hoffman, Horlander, Jenkins, J. Lee, Marzian, Mckee, Meeks, Miller, Nelson, Palumbo, Pasley, Pullin, Rand, Richards, Riggs, Riner, Sims, Stacy, Thomas, T Thompson, J Thompson, Wayne, Wilkey, Yonts. **Nays 43**—Baugh, Bratcher, Brinkman, D.D Butler, Comer, Cornett, Couch, Crall, Crimm, Deweese, Draud, Embry, Farmer, Feeley, Fischer, Ford, Harmon, Harper, Haydon, Higdon, Hoover, Kerr, S. Lee, Lindsay, Marcotte, Moberly, Mobley, Montell, Napier, Nunn, Rader, Reinhardt, Siler, A Smith, B Smith, Stewart, Turner, Upchurch, Vincent, Walton, Weaver, Webb, Westrom.

Modifications: Adams, Yea - p 422; Bather, Yea - p 614

HB 52 Pass (Jan 22) Yeas 96—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Barrows, Yea - p 280; Sims, Yea - p 286

HB 59 Pass (Jan 21) Yeas 94—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, B Smith, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Yonts. **Nays 0.**

Modifications: Wilkey, Yea - p 242

HB 63 Pass (Mar 5) Yeas 56—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Belcher, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, P. Clark, Collins, Crenshaw, Damron, Denham, Edmonds, Embry, Geveden, Gooch, Graham, Gray, Hoffman, Jenkins, Kerr, J. Lee, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Napier, Nesler, Palumbo, Pasley, Pullin, Rand, Rasche, Richards, Riner, Simpson, Sims, A Smith, Stacy, Stein, Thomas, T Thompson, J Thompson, Vincent, Wayne, Weaver, Wilkey, Yonts. **Nays 31**—Brinkman, L. Clark, Comer, Cornett, Couch, Crall, Crimm, Deweese, Draud, Farmer, Feeley, Fischer, Ford, Harmon, Harper, Higdon, Hoover, Horlander, S. Lee, Marcotte, Mobley, Montell, Nunn, Rader, Reinhardt, Siler, B Smith, Stewart, Turner, Upchurch, Walton.

Modifications: Barrows, Yea - p 1719; Bather, Yea - p 2691

HB 65 Pass (Mar 15) Yeas 94—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Jenkins, Kerr, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Wayne, Weaver, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Webb, Yea - p 2709; Horlander, Yea - p 2754; J. Lee, Yea - p 2916

HB 67 Pass (Mar 17) Yeas 90—J. Adams, Adkins, A. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Marcotte, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Westrom, Yonts. **Nays 1**—Lindsay.

Modifications: Webb, Yea, Ford, Yea - p 2916

HB 67 Not Concur Senate Floor Amendment No. 1 (Mar 29) Yeas 32—J. Arnold, Ballard, Barrows, D Butler, Callahan, Cherry, L. Clark, P. Clark, Crenshaw, Denham, Geveden, Gooch, Graham, Horlander, Jenkins, J. Lee, Lindsay, Marzian, Meeks, Miller, Moberly, Palumbo, Pasley, Pullin, Rand, Rasche, Richards, Siler, Thomas, J Thompson, Weaver, Yonts. **Nays 61**—J. Adams, Adkins, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D.D Butler, Coleman, Collins, Comer, Cornett, Couch, Crall, Crimm, Damron, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Gray, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Kerr, S. Lee, Marcotte, Mckee, Meade, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Reinhardt, Riner, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, T Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Webb, Westrom.

HB 67 Concur Senate Floor Amendment No. 1 (Mar 29) Yeas 76—J. Adams, Adkins, A. Arnold, Bather, Baugh, Belcher, Bratcher, Brinkman, Buckingham, Burch, D.D Butler, Cherry, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Graham, Gray, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Kerr, J. Lee, S. Lee, Marcotte, Mckee, Meade, Meeks, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Reinhardt, Richards, Riner, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom. **Nays 17**—J. Arnold, Ballard, D Butler, Callahan, L. Clark, P. Clark, Denham, Gooch, Horlander, Jenkins, Lindsay, Marzian, Miller, Rasche, Siler, Thomas, Yonts.

HB 67 Pass (Mar 29) Yeas 94—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Marcotte, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 1**—Lindsay.

HB 71 Pass (Feb 23) Yeas 84—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Buckingham, Burch, D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Graham, Hall, Harmon, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Montell, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Richards, Riggs, Riner, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Yonts. **Nays 5**—Bruce, Collins, Gooch, Gray, Harper.

Modifications: Westrom, Yea - p 1084; Bather, Yea - p 1206

HB 72 Pass (Jan 28) Yeas 96—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Geveden, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Higdon, Abstain - p 360; Ford, Yea p 407; Bather, Yea - p 614

HB 74 Pass (Feb 3) Yeas 91—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Graham, Gray, Harmon, Harper, Haydon, Higdon, Hoffman, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Westrom, Yonts. **Nays 0.**

Modifications: Wilkey, Yea; Bather, Yea - p 614

HB 76 Pass (Feb 5) Yeas 86—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Couch, Crall, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Harmon, Harper, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 5**—Comer, Cornett, Hall, Nelson, Sims.

Modifications: Crenshaw, Yea - p 560; Barrows, Yea - p 572

HB 81 Pass (Feb 23) Yeas 81—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Couch, Crall, Crenshaw, Crimm, Denham, Deweese, Edmonds, Feeley, Ford, Geveden, Graham, Gray, Hall, Harmon, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Richards, Riggs, Riner, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Yonts. **Nays 7**—Cornett, Damron, Farmer, Fischer, Harper, S. Lee, Turner.

Modifications: Montell, Yea - p 955; Westrom, Yea - p 1084; Bather, Yea - p 1206

HB 82 Pass (Jan 20) Yeas 95—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Walton, Wayne, Weaver, Webb, Wilkey, Yonts. **Nays 0.**

Modifications: Vincent, Yea - p 242

HB 82 Final Passage (Mar 29) Yeas 95—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crimm, Damron, Denham, Deweese, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

HB 85 Pass (Feb 18) Yeas 58—J. Adams, Adkins, A. Arnold, J. Arnold, Bather, Belcher, Bratcher, Brinkman, Buckingham, Burch, D Butler, Callahan, Cherry, L. Clark, P. Clark, Collins, Comer, Denham, Deweese, Draud, Edmonds, Embry, Feeley, Fischer, Ford, Geveden, Graham, Gray, Harmon, Harper, Haydon, Hoffman, Hoover, Horlander, Jenkins, Kerr, Marcotte, Marzian, Meeks, Miller, Moberly, Mobley, Nelson, Nunn, Palumbo, Rader, Rand, Rasche, Riggs, Riner, Siler, A Smith, Stacy, Stein, J Thompson, Wayne, Weaver, Westrom. **Nays 38**—R. Adams, Ballard, Barrows, Baugh, D.D Butler, Coleman, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Gooch, Hall, Higdon, J. Lee, S. Lee, Lindsay, Mckee, Montell, Napier, Nesler, Pasley, Pullin, Reinhardt, Richards, Simpson, Sims, B Smith, Stewart, Thomas, T Thompson, Turner, Upchurch, Vincent, Walton, Webb, Yonts.

Modifications: Wilkey, Yea - p 886

HB 89 Pass (Jan 26) Yeas 80—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Collins, Cornett, Couch, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Ford, Geveden, Graham, Gray, Hall, Harper, Haydon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rand, Rasche, Richards, Riggs, Siler, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, J Thompson, Turner, Vincent, Wayne, Weaver, Webb, Wilkey, Yonts. **Nays 12**—Baugh, Comer, Crall, Fischer, Gooch, Harmon, Higdon, S. Lee, Montell, T Thompson, Upchurch, Walton.

Modifications: S. Lee, Nay to Yea; Simpson, Yea; Westrom, Yea - p 292; Reinhardt, Yea - p 360; Stein, Yea - p 503

HB 90 Pass (Feb 9) Yeas 92—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Graham, Gray, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Geveden, Yea - p 579; Hall, Yea - p 614; Buckingham, Yea - p 948; Bather, Yea - p 1206; Bather, Yea - p 2691

HB 90 Final Passage (Apr 13) Yeas 96—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Nelson, Nesler, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 1**—Nunn.

HB 91 Pass (Feb 6) Yeas 84—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, D.D Butler, Callahan, Cherry, L. Clark, Collins, Comer, Cornett, Couch, Crimm, Damron, Denham, Deweese, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Gray, Hall, Harmon, Harper, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Marcotte, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 1**—P. Clark.

Modifications: Nesler, Yea - p 572

HB 92 Pass (Feb 18) Yeas 96—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: DeWeese, Yea - p 886

HB 94 Pass (Jan 15) Yeas 91—R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Geveden, Gooch, Gray, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Yonts. **Nays 0.**

Modifications: Barrows, Yea; Ford, Yea - p 184; Comer, Yea - p 192; Wilkey, Yea - p 193; Stein, Yea - p 280

HB 96 Pass (Mar 17) Yeas 93—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Edmonds, Embry, Farmer, Feeley, Fischer, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, B Smith, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Stacy, Yea - p 2915; Ford, Yea - p 2916

HB 97 Pass (Jan 15) Yeas 91—R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Geveden, Gooch, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Yonts. **Nays 0.**

Modifications: S. Lee , Yea; Ford, Yea - p 184; Comer, Yea - p 192; Wilkey, Yea - p 193; Bather, Yea - p 614

HB 97 Motion to Lay on the Table (Mar 25) Yeas 40—Ballard, Bather, Baugh, Belcher, Bratcher, Brinkman, D.D Butler, Collins, Comer, Cornett, Couch, Crall, Crimm, Deweese, Feeley, Fischer, Ford, Harmon, Harper, Higdon, Hoover, Horlander, Jenkins, S. Lee, Mobley, Napier, Pullin, Rader, Reinhardt, Riggs, Riner, Siler, A Smith, B Smith, Stacy, Stewart, Turner, Upchurch, Vincent, Wayne. **Nays 45**—J. Adams, A. Arnold, J. Arnold, Barrows, Bruce, Buckingham, D Butler, Callahan, Cherry, L. Clark, Coleman, Damron, Denham, Embry, Geveden, Gooch, Graham, Gray, Hall, Haydon, Hoffman, Kerr, Lindsay, Marzian, Mckee, Meade, Moberly, Montell, Nelson, Nesler, Nunn, Palumbo, Pasley, Rand, Richards, Sims, Stein, Thomas, T Thompson, J Thompson, Walton, Weaver, Westrom, Wilkey, Yonts.

Modifications: Adkins, Yea - p 4634

HB 97 Concur Senate Floor Amendment No. 1 (Mar 25) Yeas 45—J. Adams, A. Arnold, Barrows, Bruce, Buckingham, Callahan, Cherry, L. Clark, Damron, Denham, Embry, Geveden, Gooch, Graham, Gray, Hall, Haydon, Hoffman, Kerr, Lindsay, Marzian, Mckee, Meeks, Moberly, Montell, Nelson, Nesler, Nunn, Palumbo, Pasley, Rand, Richards, Siler, Simpson, Sims, A Smith, Stein, Thomas, T Thompson, J Thompson, Walton, Weaver, Westrom, Wilkey, Yonts. **Nays 46**—Adkins, Ballard, Bather, Baugh, Belcher, Bratcher, Brinkman, Burch, D Butler, D.D Butler, Coleman, Comer, Cornett, Couch, Crall, Crimm, Deweese, Edmonds, Feeley, Fischer, Ford, Harmon, Harper, Higdon, Hoover, Horlander, Jenkins, S. Lee, Marcotte, Meade, Miller, Mobley, Napier, Pullin, Rader, Rasche, Reinhardt, Riggs, Riner, B Smith, Stacy, Stewart, Turner, Upchurch, Vincent, Wayne.

HB 97 Adopt Free Conference Committee Report No. 1 (Apr 13) Yeas 42—J. Adams, A. Arnold, Barrows, Belcher, Bruce, Buckingham, Callahan, Cherry, L. Clark, Coleman, Couch, Damron, Denham, Draud, Edmonds, Feeley, Geveden, Gooch, Graham, Hall, Haydon, Hoffman, Lindsay, Marzian, Mckee, Meeks, Moberly, Nesler, Nunn, Palumbo, Pasley, Richards, Riner, Sims, A Smith, Stein, Thomas, T Thompson, J Thompson, Webb, Westrom, Wilkey. **Nays 41**—Bather, Bratcher, Burch, D Butler, D.D Butler, P. Clark, Collins, Comer, Cornett, Deweese, Farmer, Fischer, Ford, Gray, Harmon, Harper, Higdon, Hoover, Horlander, Jenkins, J. Lee, S. Lee, Marcotte, Meade, Miller, Mobley, Napier, Nelson, Pullin, Rand, Rasche, Reinhardt, Riggs, Siler, B Smith, Stacy, Stewart, Turner, Upchurch, Vincent, Wayne.

HB 97 Final Passage (Apr 13) Yeas 45—J. Adams, A. Arnold, Barrows, Baugh, Belcher, Bruce, Buckingham, Callahan, Cherry, L. Clark, Coleman, Couch, Damron, Denham, Draud, Edmonds, Feeley, Ford, Geveden, Gooch, Graham, Hall, Haydon, Hoffman, Marzian, Mckee, Meeks, Moberly, Montell, Nesler, Nunn, Palumbo, Pasley, Rand, Richards, Riner, Sims, A Smith, Stein, Thomas, T Thompson, J Thompson, Webb, Westrom, Wilkey. **Nays 38**—Ballard, Bather, Bratcher, D Butler, D.D Butler, P. Clark, Collins, Comer, Cornett, Deweese, Farmer, Fischer, Harmon, Harper, Higdon, Hoover, Horlander, Jenkins, J. Lee, S. Lee, Lindsay, Marcotte, Meade, Miller, Mobley, Napier, Nelson, Pullin, Rasche, Reinhardt, Riggs, B Smith, Stacy, Stewart, Turner, Upchurch, Vincent, Wayne.

HB 98 Pass (Mar 17) Yeas 97—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Ford, Yea - p 2916

HB 100 Pass (Feb 10) Yeas 94—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Vincent, Walton, Wayne, Weaver, Westrom, Wilkey, Yonts. **Nays 2**—Feeley, Nunn.

Modifications: Webb, Yea - p 759

HB 105 Pass (Jan 23) Yeas 89—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crimm, Damron, Denham, Deweese, Edmonds, Embry, Farmer, Feeley, Fischer, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Mckee, Meeks, Miller, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Crenshaw, Yea - p 286; Moberly, Yea; Marzian, Yea - p 292

HB 106 Pass (Feb 11) Yeas 93—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Wayne, Weaver, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Webb, Yea - p 759; Bather, Yea - p 1206

HB 108 Previous Question (Jan 30) Yeas 89—R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Kerr, J. Lee, S. Lee, Marcotte, Mckee, Meeks, Moberly, Montell, Napier, Nelson, Nesler, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Crenshaw, Yea - p 286; Adams, Yea; Mobley, Yea; Miller, Yea - p 422

HB 108 Pass (Jan 30) Yeas 88—R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Kerr, J. Lee, S. Lee, Marcotte, Mckee, Meeks, Moberly, Montell, Napier, Nelson, Nesler, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 5**—Crenshaw, Lindsay, Marzian, Palumbo, Stein.

Modifications: Bather, Yea - p 614

HB 113 Pass (Jan 15) Yeas 94—R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Yonts. **Nays 0.**

Modifications: Comer, Yea - p 192; Wilkey, Yea - p 193; Stein, Yea - p 280

HB 113 Final Passage (Mar 29) Yeas 91—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Couch, Crall, Crimm, Damron, Denham, Deweese, Edmonds, Embry, Farmer, Fischer, Ford, Geveden, Gooch, Graham, Gray, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

HB 116 Pass (Jan 29) Yeas 96—R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Yonts. **Nays 0.**

Modifications: Bather, Yea - p 614

HB 116 Final Passage (Mar 23) Yeas 94—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riner, Siler, Simpson, Sims, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Hoffman, Yea - p 4003

HB 126 Pass (Jan 30) Yeas 89—R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Moberly, Montell, Napier, Nelson, Nesler, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Crenshaw, Yea - p 414; Mobley, Yea; Miller, Yea - p 422; Horlander, Yea - p 504; Bather, Yea - p 614

HB 130 Pass (Feb 24) Yeas 96—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

HB 131 Pass (Jan 27) Yeas 89—J. Adams, R. Adams, A. Arnold, J. Arnold, Ballard, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Barrows, Yea - p 322; Higdon, Yea - p 360; Bather, Yea - p 614

HB 132 Pass (Feb 26) Yeas 87—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Nelson, Nesler, Palumbo, Pasley, Pullin, Rader, Rand, Reinhardt, Richards, Riggs, Riner, Siler, A Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 5**—Baugh, Napier, Sims, B Smith, Turner.

Modifications: Geveden, Yea - p 1415

HB 135 Pass (Mar 18) Yeas 84—J. Adams, Adkins, A. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D.D Butler, Callahan, L. Clark, Coleman, Collins, Cornett, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Graham, Gray, Hall, Harmon, Harper, Haydon, Hoffman, Hoover, Horlander, Jenkins, J. Lee, S. Lee, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Nelson, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Wilkey, Yonts. **Nays 0.**

Modifications: P. Clark, Yea, Kerr, Yea, Sims, Yea, Webb, Yea - p 3243; Comer, Yea - p 3270; Westrom, Yea - p 3334.

HB 139 Pass (Feb 26) Yeas 91—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Ford, Gooch, Graham, Gray, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Palumbo, Pasley, Pullin, Rand, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Geveden, Yea - p 1415; Reinhardt, Yea - p 2309

HB 147 Pass (Mar 1) Yeas 92—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Graham, Gray, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Meade, Yea - p 1415; Bather, Yea - p 2691

HB 148 Pass (Jan 22) Yeas 51—J. Adams, R. Adams, Adkins, A. Arnold, Barrows, Bather, Belcher, Bratcher, Brinkman, Burch, Callahan, L. Clark, Crall, Crenshaw, Damron, Denham, Draud, Farmer, Feeley, Graham, Harper, Haydon, Higdon, Hoffman, Horlander, Jenkins, Lindsay, Marzian, Mckee, Meeks, Moberly, Mobley, Napier, Nunn, Pasley, Pullin, Rand, Richards, Riggs, Riner, Simpson, Stacy, Stein, Thomas, T Thompson, J Thompson, Vincent, Wayne, Webb, Westrom, Wilkey. **Nays 37**—Ballard, Baugh, Bruce, D.D Butler, Cherry, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crimm, Edmonds, Embry, Fischer, Ford, Geveden, Gooch, Gray, Hall, Harmon, Hoover, J. Lee, Miller, Montell, Nelson, Nesler, Rader, Reinhardt, Siler, B Smith, Stewart, Turner, Upchurch, Walton, Weaver, Yonts.

Modifications: Palumbo, Yea - p 280; Kerr, Nay; DeWeese, Yea; Marcotte, Nay; Sims, Yea - p 286

HB 149 Pass (Feb 27) Yeas 81—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, Coleman, Collins, Comer, Couch, Crall, Crenshaw, Damron, Denham, Deweese, Draud, Edmonds, Feeley, Ford, Gooch, Graham, Gray, Hall, Harmon, Harper, Higdon, Hoffman, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Mckee, Meade, Meeks, Miller, Moberly, Montell, Napier, Palumbo, Pasley, Pullin, Rand, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, A Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 6**—P. Clark, Crimm, Farmer, Mobley, Sims, B Smith.

Modifications: Geveden, Yea - p 1415; Bather, Yea - p 2691

HB 152 Pass (Jan 20) Yeas 95—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Buckingham, Yea - p 218; Vincent, Yea - p 242

HB 152 Final Passage (Mar 29) Yeas 93—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Crall, Crimm, Damron, Denham, Deweese, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

HB 157 Pass (Feb 5) Yeas 86—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Graham, Gray, Hall, Harmon, Harper, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Marcotte, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Sims, A Smith, B Smith, Stewart, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Westrom, Wilkey. **Nays 4**—Gooch, Lindsay, Simpson, Yonts.

Modifications: Thomas, Yea; Webb, Yea - p 560; Barrows, Nay - p 572

HB 157 Final Passage (Apr 13) Yeas 56—J. Adams, Adkins, A. Arnold, J. Arnold, Bather, Belcher, Brinkman, Buckingham, Burch, D Butler, Callahan, Cherry, L. Clark, Coleman, Crenshaw, Damron, Denham, Deweese, Draud, Edmonds, Embry, Feeley, Geveden, Graham, Gray, Hall, Harmon, Harper, Haydon, Hoffman, Horlander, Jenkins, Kerr, S. Lee, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Nunn, Palumbo, Pasley, Pullin, Rand, Richards, Riggs, Riner, Siler, Sims, Stein, Thomas, J Thompson, Wayne, Weaver, Wilkey. **Nays 26**—Ballard, Barrows, Baugh, D.D Butler, Comer, Couch, Crall, Ford, Gooch, J. Lee, Lindsay, Mobley, Montell, Napier, Nelson, Rasche, Reinhardt, Simpson, A Smith, B Smith, Stacy, Stewart, Turner, Walton, Webb, Yonts.

HB 159 Pass (Jan 28) Yeas 94—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Geveden, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Ford, Yea - p 407; Bather, Yea - p 614

HB 160 Pass (Jan 28) Yeas 81—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Comer, Couch, Crenshaw, Crimm, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Geveden, Graham, Gray, Harmon, Harper, Haydon, Higdon, Hoffman, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Sims, A Smith, B Smith, Stacy, Stein, Stewart, T Thompson, J Thompson, Turner, Upchurch, Walton, Wayne, Webb, Westrom, Yonts. **Nays 10**—Cornett, Crall, Damron, Fischer, Hall, Hoover, Lindsay, Thomas, Vincent, Weaver.

Modifications: Bather, Yea - p 614

HB 161 Pass (Feb 19) Yeas 96—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

HB 162 Pass (Feb 12) Yeas 92—R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, L. Clark, P. Clark, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom. **Nays 0.**

Modifications: Yonts, Yea - p 759; Cherry, Yea - p 824; Crenshaw, Yea - p 825; Bather, Yea - p 1206

HB 162 Final Passage (Mar 29) Yeas 90—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Edmonds, Embry, Farmer, Feeley, Fischer, Geveden, Gooch, Graham, Gray, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Vincent, Walton, Wayne, Weaver, Westrom, Wilkey, Yonts. **Nays 0.**

HB 163 Pass (Feb 10) Yeas 96—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 1**—Baugh.

HB 163 Final Passage (Mar 25) Yeas 94—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Webb, Yea - p 4053

HB 167 Pass (Jan 22) Yeas 95—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Barrows, Yea - p 280; Sims, Yea - p 286

HB 172 Pass (Mar 4) Yeas 85—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bruce, Buckingham, Burch, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Draud, Edmonds, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Horlander, Jenkins, Kerr, J. Lee, Marcotte, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Vincent, Walton, Wayne, Weaver, Westrom, Wilkey, Yonts. **Nays 7**—Brinkman, Comer, Embry, S. Lee, Lindsay, Marzian, Upchurch.

Modifications: Webb, Yea - p 1084; Graham, Yea - p 1705; Webb, Yea - p 1719; Bather, Yea - p 2691

HB 176 Pass (Feb 18) Yeas 98—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: P. Clark, Yea - p 462; Nesler, Yea - p 886

HB 178 Pass (Feb 18) Yeas 97—J. Adams, R. Adams, Adkins, A. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Yonts. **Nays 0.**

HB 178 Final Passage (Mar 29) Yeas 92—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crimm, Damron, Denham, Deweese, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Gray, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Wilkey, Yea - p 886

HB 183 Pass (Feb 11) Yeas 94—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Westrom, Wilkey, Yonts. **Nays 1**—Nunn.

Modifications: Webb, Yea - p 759; Bather, Yea - p 1206

HB 187 Pass (Jan 20) Yeas 97—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Vincent, Yea - p 242

HB 188 Pass (Jan 23) Yeas 93—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crimm, Damron, Denham, Deweese, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Crenshaw, Yea, p 286; Marzian, Yea - p 292

HB 189 Pass (Jan 30) Yeas 89—Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Moberly, Montell, Napier, Nelson, Nesler, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Crenshaw, Yea - p 414; Mobley, Yea; Miller, Yea - p 422; P. Clark, Yea - p 462; Bather, Yea - p 614

HB 191 Pass (Mar 16) Yeas 87—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Moberly, Mobley, Montell, Napier, Nelson, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Wayne, Weaver, Webb, Westrom, Yonts. **Nays 0.**

Modifications: Kerr Yea - p 2753; Walton, Yea, J. Lee, Yea, Barrows, Yea - p 2916

HB 193 Pass (Mar 17) Yeas 76—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Belcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Feeley, Geveden, Gooch, Graham, Gray, Hall, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, Lindsay, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Simpson, A Smith, Stacy, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Westrom, Wilkey, Yonts. **Nays 15**—Bratcher, Cornett, Couch, Crall, Fischer, Harmon, Harper, S. Lee, Marcotte, Mobley, Montell, Siler, Sims, B Smith, Stewart.

Modifications: Embry, Nay, J. Lee, Yea, Baugh, Yea - p 2915; Webb, Yea, Ford, Nay - p 2916; Montell, Nay to Yea - p 4003

HB 195 Pass (Feb 2) Yeas 93—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Marcotte, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Lindsay, Yea - p 462; Reinhardt, Yea - p 504; Bather, Yea - p 614

HB 198 Pass (Mar 16) Yeas 89—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Collins, Comer, Cornett, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Jenkins, Kerr, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Richards, Riggs, Riner, Siler, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 1**—Simpson.

Modifications: Horlander, Yea - p 2754; Walton, Yea, J. Lee, Yea, Barrows, Yea - p 2916

HB 199 Pass (Feb 25) Yeas 97—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

HB 199 Final Passage (Mar 25) Yeas 91—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D.D Butler, Cherry, L. Clark, P. Clark, Coleman, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Graham, Yea - p 4003; Callahan, Yea; Webb, Yea - p 4053

HB 200 Pass (Jan 21) Yeas 95—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Fischer, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Wilkey, Yea - p 242; Weaver Yea - p 407; Bather, Yea - p 614

HB 202 Pass (Jan 22) Yeas 95—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Bather, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Barrows, Yea - p 280; Sims, Yea - p 286; Reinhardt, Yea - p 2903

HB 203 Pass (Feb 5) Yeas 94—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Webb, Yea - p 560

HB 208 Pass (Jan 26) Yeas 91—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rand, Rasche, Richards, Riggs, Siler, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Wilkey, Yonts. **Nays 0.**

Modifications: Simpson , Yea; Westrom, Yea - p 292; Reinhardt, Yea - p 360; Bather, Yea - p 614

HB 223 Consider Discharge Petition (Mar 1) Yeas 33—Baugh, Bratcher, D.D Butler, Comer, Cornett, Couch, Crall, Crimm, Deweese, Draud, Embry, Farmer, Feeley, Fischer, Ford, Harmon, Harper, Higdon, Hoover, Kerr, S. Lee, Marcotte, Mobley, Montell, Napier, Rader, Siler, B Smith, Stewart, Turner, Upchurch, Vincent, Walton. **Nays 30**—J. Adams, Adkins, A. Arnold, Barrows, Belcher, Bruce, Callahan, Cherry, L. Clark, Crenshaw, Edmonds, Gray, Horlander, Jenkins, Lindsay, Marzian, Mckee, Meade, Meeks, Miller, Palumbo, Rand, Rasche, Richards, Simpson, Stacy, Thomas, J Thompson, Wilkey, Yonts.

Modifications: Bather, Nay - p 2691

HB 225 Pass (Jan 15) Yeas 94—R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Yonts. **Nays 0.**

Modifications: Comer, Yea - p 192; Wilkey, Yea - p 193; Stein, Yea - p 280; J. Lee, Yea - p 2916

HB 225 Final Passage (Mar 23) Yeas 93—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Hoffman, Yea - p 4003

HB 226 Pass (Feb 6) Yeas 87—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Collins, Comer, Cornett, Couch, Crimm, Damron, Denham, Deweese, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Nesler, Yea - p 572

HB 227 Pass (Mar 17) Yeas 81—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Kerr, J. Lee, S. Lee, Marcotte, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Rader, Rand, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Weaver, Yonts. **Nays 6**—Damron, Gray, Jenkins, Marzian, Pasley, Wayne.

Modifications: Bather, Yea, Barrows, Nay - p 2915; Wilkey, Yea - p 2916; Westrom, Yea - p 3334

HB 234 Pass (Mar 10) Yeas 95—J. Adams, R. Adams, Adkins, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Yonts. **Nays 0.**

HB 242 Pass (Jan 29) Yeas 95—R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Bather, Yea - p 614

HB 242 Final Passage (Apr 13) Yeas 96—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

HB 249 Pass (Jan 22) Yeas 96—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Barrows, Yea - p 280; Sims, Yea - p 286

HB 251 Pass (Mar 2) Yeas 97—J. Adams, R. Adams, Adkins, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Westrom, Yonts. **Nays 0.**

HB 253 Pass (Jan 29) Yeas 96—R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Yonts. **Nays 0.**

Modifications: Bather, Yea - p 614

HB 258 Pass (Jan 30) Yeas 89—R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Kerr, J. Lee, S. Lee, Marcotte, Marzian, Mckee, Meeks, Moberly, Montell, Napier, Nelson, Nesler, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Yonts. **Nays 0.**

Modifications: Crenshaw, Yea; Wilkey, Yea - p 414; Miller, Yea - p 422; P. Clark, Yea - p 462; Bather, Yea - p 614

HB 258 Final Passage (Apr 13) Yeas 94—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crenshaw, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

HB 260 Pass (Feb 11) Yeas 95—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Higdon, Hoffman, Hoover, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Stacy, Yea; Horlander, Yea - p 759; Bather, Yea - p 1206

HB 261 Pass (Mar 3) Yeas 64—J. Adams, R. Adams, Adkins, A. Arnold, Barrows, Baugh, Belcher, Bratcher, Brinkman, Buckingham, Burch, D Butler, Callahan, Cherry, L. Clark, Coleman, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Embry, Farmer, Feeley, Geveden, Harper, Haydon, Higdon, Hoffman, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Marzian, Mckee, Meade, Meeks, Moberly, Napier, Nunn, Palumbo, Pasley, Pullin, Rand, Richards, Riggs, Riner, Simpson, Sims, A Smith, Stacy, Stein, Thomas, T Thompson, J Thompson, Vincent, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 30**—Ballard, Bruce, D.D Butler, Collins, Comer, Cornett, Couch, Edmonds, Fischer, Ford, Gooch, Gray, Hall, Harmon, Hoover, Lindsay, Marcotte, Miller, Mobley, Montell, Nelson, Nesler, Rader, Reinhardt, Siler, B Smith, Stewart, Turner, Upchurch, Walton.

Modifications: Bather, Yea - p 1595; Bather, Yea - p 2691

HB 262 Pass (Mar 5) Yeas 73—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Belcher, Brinkman, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Cornett, Couch, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Feeley, Geveden, Graham, Gray, Harmon, Harper, Higdon, Hoffman, Hoover, Jenkins, Kerr, J. Lee, Lindsay, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rasche, Reinhardt, Richards, Riner, Siler, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Wayne, Weaver, Webb, Westrom, Yonts. **Nays 3**—Baugh, Vincent, Walton.

Modifications: Ford, Yea - p 2691; Bather, Yea; Horlander, Yea - p 2691

HB 262 Final Passage Not Withstanding Veto (Apr 13) Yeas 53—J. Adams, Adkins, A. Arnold, J. Arnold, Barrows, Bather, Belcher, Bruce, Burch, D Butler, Callahan, Cherry, L. Clark, Collins, Crenshaw, Damron, Denham, Geveden, Gooch, Graham, Gray, Hall, Hoffman, Horlander, Jenkins, J. Lee, Lindsay, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Nelson, Nesler, Palumbo, Pasley, Pullin, Rand, Rasche, Richards, Riggs, A Smith, Stacy, Stein, Thomas, J Thompson, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 30**—Ballard, Baugh, D.D Butler, Comer, Cornett, Couch, Crall, Deweese, Embry, Fischer, Ford, Harmon, Harper, Higdon, Hoover, Kerr, S. Lee, Marcotte, Mobley, Montell, Napier, Nunn, Rader, Siler, B Smith, Stewart, Turner, Upchurch, Vincent, Walton.

HB 263 Pass (Jan 30) Yeas 86—R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, Collins, Comer, Cornett, Couch, Crall, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Moberly, Montell, Napier, Nelson, Nesler, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Stacy, Yea; Crenshaw, Yea - p 414; Miller, Yea - p 422; P. Clark, Yea - p 462; Horlander, Yea - p 504; Bather, Yea - p 614

HB 264 Pass (Feb 17) Yeas 95—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Bather, Yea - p 1206

HB 264 Final Passage (Apr 13) Yeas 90—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Brinkman, Buckingham, Burch, D Butler, D.D Butler, Cherry, L. Clark, P. Clark, Collins, Comer, Cornett, Couch, Crenshaw, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 1**—Feeley.

HB 269 Pass (Jan 30) Yeas 91—R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Moberly, Montell, Napier, Nelson, Nesler, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 1**—Simpson.

Modifications: Mobley, Yea; Miller, Yea - p 422; P. Clark, Yea - p 462; Bather, Yea - p 614

HB 273 Pass (Jan 30) Yeas 90—R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Moberly, Montell, Napier, Nelson, Nesler, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Yonts. **Nays 0.**

Modifications: Wilkey, Yea - p 414; Mobley, Yea; Miller, Yea - p 422; P. Clark, Yea - p 462; Bather, Yea - p 614

HB 274 Pass (Feb 5) Yeas 69—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Belcher, Brinkman, Bruce, Buckingham, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Collins, Cornett, Couch, Crenshaw, Crimm, Damron, Deweese, Draud, Edmonds, Farmer, Feeley, Fischer, Geveden, Gooch, Graham, Gray, Harper, Higdon, Hoffman, Horlander, Jenkins, J. Lee, Lindsay, Mckee, Meeks, Miller, Moberly, Nelson, Nesler, Palumbo, Pasley, Pullin, Rand, Rasche, Richards, Riggs, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Thomas, T Thompson, J Thompson, Turner, Wayne, Weaver, Westrom, Wilkey, Yonts. **Nays 17**—Baugh, Comer, Crall, Embry, Ford, Harmon, Kerr, S. Lee, Marcotte, Mobley, Montell, Napier, Reinhardt, Riner, Stewart, Vincent, Walton.

Modifications: Burch, Yea; Webb, Yea - p 560

HB 281 Pass (Jan 27) Yeas 88—R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Gray, Hall, Harmon, Harper, Haydon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 1**—Marcotte.

Modifications: Barrows, Yea - p 322; Higdon, Yea - p 360; Bather, Yea - p 614

HB 283 Pass (Jan 30) Yeas 81—R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, Coleman, Comer, Cornett, Couch, Crall, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Feeley, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Moberly, Montell, Napier, Nelson, Nesler, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, A Smith, B Smith, Stacy, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 4**—Farmer, Hoover, Sims, Stewart.

Modifications: Miller, Yea - p 422; P. Clark, Yea - p 462; Bather, Yea - p 614

HB 286 Pass (Jan 28) Yeas 81—J. Adams, R. Adams, Adkins, J. Arnold, Ballard, Barrows, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Feeley, Geveden, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Horlander, Jenkins, Kerr, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Thomas, T Thompson, J Thompson, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 6**—Cornett, Couch, S. Lee, Stewart, Turner, Upchurch.

Modifications: Ford, Yea - p 407; Bather, Yea - p 614; Vincent, Nay - p 1872

HB 287 Pass (Jan 28) Yeas 83—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Geveden, Graham, Gray, Hall, Harper, Haydon, Higdon, Hoffman, Horlander, Jenkins, Kerr, J. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Thomas, T Thompson, J Thompson, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 11**—Baugh, Cornett, Couch, Fischer, Harmon, S. Lee, Napier, Stewart, Turner, Upchurch, Vincent.

Modifications: Bather, Yea - p 614

HB 288 Pass (Mar 2) Yeas 93—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Westrom, Wilkey, Yonts. **Nays 0.**

HB 289 Pass (Feb 11) Yeas 82—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Comer, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Farmer, Feeley, Fischer, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Higdon, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rasche, Reinhardt, Riggs, Riner, Siler, Simpson, A Smith, Stein, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Westrom, Wilkey, Yonts. **Nays 14**—R. Adams, Collins, Cornett, Couch, Embry, Ford, Hoffman, Mckee, Richards, Sims, B Smith, Stacy, Stewart, Webb.

Modifications: Bather, Yea - p 1206

HB 290 Pass (Mar 2) Yeas 93—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, Coleman, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

HB 291 Pass (Mar 4) Yeas 78—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Baugh, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Cornett, Couch, Crall, Crimm, Denham, Deweese, Draud, Edmonds, Embry, Feeley, Fischer, Ford, Geveden, Graham, Gray, Harmon, Harper, Haydon, Higdon, Hoffman, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nesler, Nunn, Palumbo, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, B Smith, Stacy, Thomas, T Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Westrom, Yonts. **Nays 10**—Comer, Damron, Farmer, Gooch, Hall, Mckee, Pasley, Pullin, Sims, Stewart.

Modifications: Barrows, Yea; Belcher, Nay - p 1704; R. Adams, Yea to Nay - p 1705; Webb, Yea - p 1719; Bather, Yea - p 2691

HB 292 Pass (Mar 19) Yeas 92—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Wilkey. **Nays 0.**

Modifications: Yonts, Yea, Geveden, Yea - p 3275

HB 292 Final Passage (Apr 13) Yeas 95—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Buckingham, Burch, D Butler, D.D Butler, Callahan, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

HB 295 Pass (Jan 29) Yeas 94—R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Westrom, Yonts. **Nays 0.**

Modifications: Bather, Yea - p 614

HB 297 Pass (Mar 8) Yeas 91—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Yonts. **Nays 0.**

Modifications: Meeks, Yea - p 2308; Reinhardt, Yea - p 2309

HB 303 Pass (Mar 8) Yeas 90—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D.D Butler, Callahan, Cherry, L. Clark, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Marcotte, Mckee, Meade, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Lindsay, Abstain to Yea - p 1872; Meeks, Yea - p 2308; Reinhardt, Yea - p 2309

HB 304 Pass (Mar 3) Yeas 62—J. Adams, Adkins, A. Arnold, J. Arnold, Barrows, Belcher, Bruce, Buckingham, Burch, D Butler, Callahan, Cherry, L. Clark, Coleman, Collins, Cornett, Crenshaw, Crimm, Damron, Denham, Edmonds, Embry, Geveden, Gooch, Graham, Gray, Hall, Harper, Haydon, Hoffman, Horlander, Jenkins, J. Lee, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Nelson, Nesler, Palumbo, Pasley, Pullin, Rand, Rasche, Richards, Riggs, Simpson, Sims, A Smith, Stacy, Stein, Thomas, T Thompson, J Thompson, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 31**—Ballard, Baugh, Bratcher, Brinkman, D.D Butler, P. Clark, Comer, Couch, Crall, Deweese, Draud, Fischer, Ford, Harmon, Hoover, Kerr, S. Lee, Lindsay, Marcotte, Mobley, Montell, Napier, Nunn, Reinhardt, Siler, B Smith, Stewart, Turner, Upchurch, Vincent, Walton.

Modifications: Bather, Yea - p 2691

HB 305 Pass (Feb 5) Yeas 92—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Webb, Yea - p 560

HB 306 Pass (Feb 3) Yeas 91—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gray, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, S. Lee, Lindsay, Marcotte, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Yonts. **Nays 0.**

Modifications: Wilkey, Yea; Bather, Yea - p 614

HB 309 Pass (Mar 11) Yeas 93—J. Adams, R. Adams, Adkins, A. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Weaver, Webb, Westrom, Yonts. **Nays 0.**

Modifications: Graham, Yea - p 2691; J. Arnold, Yea - p 2916

HB 314 Pass (Feb 17) Yeas 96—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 1**—Marzian.

Modifications: Bather, Yea - p 1206

HB 317 Pass (Mar 16) Yeas 90—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Bather, Baugh, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Wayne, Weaver, Webb, Westrom, Yonts. **Nays 1**—Stein.

Modifications: Walton, Yea, J. Lee, Yea, Barrows, Yea - p 2916

HB 318 Pass (Mar 16) Yeas 92—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Wayne, Weaver, Webb, Westrom, Yonts. **Nays 0.**

Modifications: Stacy, Nay - p 2915; Walton, Yea, J.Lee, Yea, Barrows, Yea - p 2916

HB 319 Pass (Feb 2) Yeas 92—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Marcotte, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Lindsay, Yea - p 462; Reinhardt, Yea - p 504; Bather, Yea - p 614

HB 321 Pass (Feb 11) Yeas 95—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Higdon, Hoffman, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Bather, Yea - p 1206

HB 321 Final Passage (Mar 25) Yeas 95—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Graham, Yea - p 4003; Webb, Yea - p 4053

HB 322 Pass (Feb 3) Yeas 91—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Geveden, Graham, Gray, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Yonts. **Nays 0.**

Modifications: Wilkey, Yea; Bather, Yea - p 614

HB 322 Final Passage (Mar 29) Yeas 93—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crimm, Damron, Denham, Deweese, Edmonds, Embry, Farmer, Feeley, Fischer, Geveden, Gooch, Graham, Gray, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Wilkey, Yonts. **Nays 0.**

HB 323 Pass (Feb 26) Yeas 96—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Palumbo, Pasley, Pullin, Rader, Rand, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Geveden, Yea - p 1415

HB 325 Pass (Feb 10) Yeas 92—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Horlander, Jenkins, Kerr, J. Lee, Lindsay, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 4**—Feeley, Hoover, S. Lee, Marcotte.

HB 326 Pass (Feb 4) Yeas 92—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 1**—R. Adams.

HB 331 Pass (Feb 27) Yeas 87—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Ford, Gooch, Graham, Gray, Hall, Harmon, Harper, Higdon, Hoffman, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Palumbo, Pasley, Pullin, Rand, Reinhardt, Richards, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Geveden, Yea - p 1415; Bather, Yea - p 2691

HB 336 Pass (Mar 17) Yeas 96—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Wilkey, Yonts. **Nays 0.**

Modifications: Westrom, Yea - p 3334

HB 341 Pass (Feb 4) Yeas 94—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Sims, Yea; Higdon, Yea - p 504

HB 342 Pass (Mar 4) Yeas 93—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Rader, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Westrom, Wilkey, Yonts. **Nays 3**—Comer, Pullin, Rand.

Modifications: Webb, Yea - p 1719; Bather, Yea - p 2691

HB 344 Pass (Jan 27) Yeas 92—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Marcotte, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Higdon, Yea - p 360; Bather, Yea - p 614

HB 350 Pass (Feb 3) Yeas 88—R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Buckingham, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Graham, Gray, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Nelson, Nesler, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 2**—Napier, Simpson.

Modifications: J. Adams, Yea; Burch, Yea - p 462; Geveden, Yea - p 504; Bather, Yea - p 614

HB 357 Pass (Mar 12) Yeas 69—J. Adams, R. Adams, Adkins, A. Arnold, Ballard, Barrows, Bather, Baugh, Bruce, Buckingham, Burch, D Butler, Callahan, Cherry, L. Clark, Collins, Comer, Crenshaw, Crimm, Denham, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Geveden, Gooch, Graham, Gray, Harmon, Harper, Haydon, Hoffman, Horlander, Jenkins, Kerr, J. Lee, Lindsay, Marcotte, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nesler, Palumbo, Pasley, Pullin, Rand, Rasche, Richards, Riggs, Riner, Simpson, Sims, A Smith, B Smith, Stacy, T Thompson, J Thompson, Vincent, Walton, Weaver, Wilkey, Yonts. **Nays 18**—Bratcher, Brinkman, D.D Butler, P. Clark, Couch, Crall, Damron, Deweese, Ford, Higdon, S. Lee, Nelson, Rader, Reinhardt, Siler, Stewart, Turner, Upchurch.

Modifications: Westrom, Yea - p 2699; Montell, Yea to Nay - p 2700; J. Arnold, Yea - p 2916

HB 359 Pass (Feb 9) Yeas 94—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Graham, Gray, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Geveden, Yea - p 579; Hall, Yea - p 614; Buckingham, Yea - p 948; Bather, Yea - p 1206

HB 360 Pass (Feb 23) Yeas 79—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Belcher, Bratcher, Brinkman, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Crall, Crenshaw, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Geveden, Gooch, Graham, Gray, Hall, Harper, Haydon, Hoffman, Horlander, Jenkins, Kerr, J. Lee, Lindsay, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Montell, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rand, Rasche, Richards, Riggs, Riner, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Wayne, Weaver, Webb, Wilkey, Yonts. **Nays 10**—Baugh, Couch, Crimm, Fischer, Harmon, Higdon, S. Lee, Marcotte, Napier, Walton.

Modifications: Bather, Yea - p 1206

HB 361 Pass (Feb 3) Yeas 92—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Graham, Gray, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Yonts. **Nays 0.**

Modifications: Wilkey, Yea; Bather, Yea - p 614

HB 362 Pass (Feb 13) Yeas 69—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, Callahan, L. Clark, P. Clark, Comer, Cornett, Couch, Crimm, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Harmon, Harper, Higdon, Horlander, Jenkins, Kerr, J. Lee, Lindsay, Marcotte, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Nelson, Nesler, Palumbo, Rand, Rasche, Reinhardt, Riggs, Riner, Simpson, A Smith, B Smith, Stacy, Stein, Thomas, T Thompson, J Thompson, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 17**—Baugh, D.D Butler, Collins, Hall, Hoffman, S. Lee, Napier, Pasley, Pullin, Richards, Siler, Sims, Stewart, Turner, Upchurch, Vincent, Walton.

Modifications: Crall, Nay - p 766; Damron, Nay - p 820; Cherry, Yea - p 824; Bather, Yea - p 1206

HB 362 Final Passage (Mar 29) Yeas 51—J. Adams, A. Arnold, J. Arnold, Barrows, Bather, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Crimm, Deweese, Edmonds, Farmer, Feeley, Geveden, Gooch, Graham, Gray, Harper, Haydon, Hoover, Horlander, Jenkins, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Nunn, Palumbo, Rand, Richards, Simpson, A Smith, Stein, Thomas, J Thompson, Wayne, Weaver, Westrom, Yonts. **Nays 36**—Baugh, D.D Butler, Comer, Cornett, Couch, Crall, Damron, Denham, Embry, Fischer, Ford, Harmon, Hoffman, Kerr, J. Lee, S. Lee, Meade, Mobley, Montell, Napier, Nelson, Nesler, Pasley, Pullin, Reinhardt, Riner, Siler, Sims, Stacy, Stewart, T Thompson, Turner, Upchurch, Vincent, Walton, Webb.

HB 365 Pass (Feb 18) Yeas 97—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

HB 369 Pass (Feb 12) Yeas 93—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, L. Clark, P. Clark, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Mckee, Meeks, Miller, Moberly, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Yonts. **Nays 0.**

Modifications: Cherry, Yea - p 824; Crenshaw, Yea - p 825; Bather, Yea - p 1206

HB 371 Pass (Mar 15) Yeas 79—J. Adams, R. Adams, A. Arnold, J. Arnold, Ballard, Barrows, Belcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, P. Clark, Coleman, Collins, Cornett, Couch, Crall, Crimm, Denham, Deweese, Draud, Edmonds, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harper, Haydon, Higdon, Hoffman, Hoover, Jenkins, Kerr, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stein, Stewart, Thomas, T Thompson, J Thompson, Upchurch, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 9**—Baugh, Bratcher, L. Clark, Comer, Damron, Harmon, S. Lee, Montell, Turner.

Modifications: Pullin, Nay - p 2709; Horlander, Yea - p 2754; Walton, Yea, J. Lee, Yea - p 2916; Vincent, Nay - p 3270; Adkins, Nay - p 4634

HB 372 Adopt Floor Amendment No. 10 (Feb 19) Yeas 50—J. Arnold, Bather, Baugh, Buckingham, Burch, D Butler, Callahan, Cherry, L. Clark, P. Clark, Comer, Crall, Crenshaw, Crimm, Deweese, Draud, Farmer, Feeley, Ford, Geveden, Gooch, Graham, Haydon, Hoffman, Hoover, Horlander, Jenkins, S. Lee, Marcotte, Marzian, Meeks, Miller, Mobley, Montell, Nelson, Pullin, Rader, Reinhardt, Riggs, Riner, Simpson, Stein, Stewart, J Thompson, Turner, Upchurch, Vincent, Wayne, Webb, Westrom. **Nays 43**—J. Adams, R. Adams, Adkins, Ballard, Barrows, Belcher, Bratcher, Brinkman, Bruce, D.D Butler, Coleman, Collins, Couch, Damron, Denham, Edmonds, Fischer, Gray, Hall, Harmon, Harper, Higdon, Kerr, J. Lee, Lindsay, Mckee, Moberly, Napier, Nesler, Palumbo, Pasley, Rand, Rasche, Richards, Sims, A Smith, B Smith, Stacy, Thomas, T Thompson, Walton, Wilkey, Yonts.

Modifications: J. Arnold, Yea - p 949

HB 372 Suspend the Rules to Consider Floor Amendment No. 4 (Feb 19) Yeas 28—J. Arnold, Baugh, Brinkman, D.D Butler, Comer, Crall, Crimm, Deweese, Farmer, Feeley, Fischer, Ford, Gooch, Harmon, Higdon, Hoover, S. Lee, Marcotte, Mobley, Montell, Napier, Rader, Simpson, Stewart, Turner, Upchurch, Vincent, Walton. **Nays 61**—J. Adams, R. Adams, Adkins, A. Arnold, Ballard, Barrows, Bather, Belcher, Bruce, Burch, D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Cornett, Couch, Crenshaw, Damron, Denham, Draud, Edmonds, Embry, Geveden, Graham, Gray, Hall, Harper, Haydon, Hoffman, Horlander, Jenkins, Kerr, J. Lee, Marzian, Mckee, Meeks, Miller, Moberly, Nelson, Nesler, Palumbo, Pasley, Pullin, Rand, Rasche, Richards, Riggs, Riner, Sims, A Smith, B Smith, Stacy, Thomas, T Thompson, J Thompson, Wayne, Wilkey, Yonts.

HB 372 Pass (Feb 19) Yeas 89—J. Adams, R. Adams, Adkins, A. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Kerr, J. Lee, S. Lee, Lindsay, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nesler, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Webb, Westrom, Wilkey, Yonts. **Nays 4**—Jenkins, Marcotte, Marzian, Wayne.

HB 373 Pass (Mar 12) Yeas 84—J. Adams, R. Adams, Adkins, A. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Couch, Crall, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Farmer, Feeley, Ford, Geveden, Gooch, Graham, Gray, Harper, Haydon, Higdon, Hoffman, Horlander, Jenkins, J. Lee, Lindsay, Marcotte, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 5**—Bratcher, Fischer, Harmon, Kerr, S. Lee.

Modifications: Crenshaw, Yea - p 2700; J. Arnold, Yea - p 2916

HB 374 Pass (Mar 16) Yeas 91—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, Lindsay, Marcotte, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Gooch, Yea - p 2754; Walton, Yea, J. Lee, Yea, Barrows, Yea - p 2916

HB 376 Pass (Feb 19) Yeas 96—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

HB 376 Final Passage (Apr 13) Yeas 95—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crenshaw, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

HB 380 Pass (Feb 26) Yeas 97—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Palumbo, Pasley, Pullin, Rader, Rand, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Geveden, Yea - p 1415

HB 384 Pass (Feb 18) Yeas 98—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

HB 388 Pass (Feb 12) Yeas 49—J. Adams, R. Adams, A. Arnold, J. Arnold, Belcher, Bratcher, Buckingham, Burch, D Butler, Callahan, L. Clark, Comer, Crenshaw, Crimm, Damron, Edmonds, Feeley, Geveden, Graham, Harper, Haydon, Hoffman, Horlander, Jenkins, Kerr, J. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Palumbo, Pasley, Rasche, Richards, Riggs, Riner, Simpson, Sims, Stein, Thomas, T Thompson, Wayne, Weaver, Webb, Westrom, Yonts. **Nays 37**—Adkins, Ballard, Baugh, Brinkman, D.D Butler, Collins, Cornett, Couch, Crall, Denham, Deweese, Draud, Farmer, Fischer, Ford, Gray, Hall, Harmon, Hoover, S. Lee, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Pullin, Rand, Reinhardt, Siler, B Smith, Stacy, Stewart, Turner, Upchurch, Vincent, Walton.

Modifications: Barrows, Nay; Brinkman, Yea; P. Clark, Yea - p 759; Crenshaw, Yea - p 825; Bather, Yea - p 1206

HB 392 Pass (Feb 6) Yeas 86—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Collins, Comer, Cornett, Couch, Crimm, Damron, Denham, Deweese, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Nesler, Yea - p 572

HB 395 Previous Question (Mar 9) Yeas 62—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Belcher, Bruce, Buckingham, Burch, D Butler, Callahan, Cherry, L. Clark, P. Clark, Collins, Crenshaw, Damron, Denham, Edmonds, Geveden, Gooch, Graham, Gray, Hall, Haydon, Hoffman, Horlander, Jenkins, J. Lee, Lindsay, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Nelson, Nesler, Palumbo, Pasley, Pullin, Rand, Rasche, Richards, Riggs, Simpson, Sims, A Smith, Stacy, Stein, Thomas, T Thompson, J Thompson, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 37**—Baugh, Bratcher, Brinkman, D.D Butler, Comer, Cornett, Couch, Crall, Crimm, Deweese, Draud, Embry, Farmer, Feeley, Fischer, Ford, Harmon, Harper, Higdon, Hoover, Kerr, S. Lee, Marcotte, Mobley, Montell, Napier, Nunn, Rader, Reinhardt, Riner, Siler, B Smith, Stewart, Turner, Upchurch, Vincent, Walton.

HB 395 Pass (Mar 9) Yeas 64—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Belcher, Bruce, Buckingham, Burch, D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Crenshaw, Damron, Denham, Edmonds, Geveden, Gooch, Graham, Gray, Hall, Haydon, Hoffman, Horlander, Jenkins, J. Lee, Lindsay, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Nelson, Nesler, Palumbo, Pasley, Pullin, Rand, Rasche, Richards, Riggs, Riner, Simpson, Sims, A Smith, Stacy, Stein, Thomas, T Thompson, J Thompson, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 36**—Baugh, Bratcher, Brinkman, D.D Butler, Comer, Cornett, Couch, Crall, Crimm, Deweese, Draud, Embry, Farmer, Feeley, Fischer, Ford, Harmon, Harper, Higdon, Hoover, Kerr, S. Lee, Marcotte, Mobley, Montell, Napier, Nunn, Rader, Reinhardt, Siler, B Smith, Stewart, Turner, Upchurch, Vincent, Walton.

HB 395 Not Concur Senate Committee Substitute No. 1 (Mar 29) Yeas 58—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Belcher, Buckingham, Burch, D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Crenshaw, Damron, Denham, Edmonds, Geveden, Graham, Gray, Hoffman, Horlander, Jenkins, J. Lee, Lindsay, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Nelson, Nesler, Palumbo, Pasley, Pullin, Rand, Rasche, Richards, Riner, Simpson, Sims, A Smith, Stacy, Stein, Thomas, T Thompson, J Thompson, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 38**—Baugh, Bratcher, Brinkman, D.D Butler, Comer, Cornett, Couch, Crall, Crimm, Deweese, Draud, Embry, Farmer, Feeley, Fischer, Ford, Gooch, Harmon, Harper, Haydon, Higdon, Hoover, Kerr, S. Lee, Marcotte, Mobley, Montell, Napier, Nunn, Rader, Reinhardt, Siler, B Smith, Stewart, Turner, Upchurch, Vincent, Walton.

HB 396 Pass (Mar 9) Yeas 96—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 1**—Gooch.

HB 397 Pass (Mar 9) Yeas 57—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Bruce, Buckingham, Burch, D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Crenshaw, Denham, Edmonds, Geveden, Gooch, Graham, Gray, Hall, Haydon, Hoffman, Horlander, Jenkins, J. Lee, Lindsay, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Nesler, Rand, Rasche, Richards, Riggs, Riner, Simpson, Sims, A Smith, Stacy, Stein, Thomas, J Thompson, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 37**—Baugh, Bratcher, Brinkman, D.D Butler, Comer, Cornett, Couch, Crall, Crimm, Damron, Deweese, Embry, Farmer, Feeley, Fischer, Ford, Harmon, Harper, Hoover, Kerr, S. Lee, Marcotte, Mobley, Montell, Nelson, Pasley, Pullin, Rader, Reinhardt, Siler, B Smith, Stewart, T Thompson, Turner, Upchurch, Vincent, Walton.

Modifications: Riner, Nay - p 2308; Belcher, Nay - p 2309; Stacy, Yea to Nay - p 2709; Palumbo, Nay - p 2568

HB 398 Pass (Mar 11) Yeas 88—R. Adams, Adkins, A. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Gray, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Miller, Moberly, Mobley, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, J Thompson, Turner, Upchurch, Vincent, Walton, Weaver, Webb, Westrom, Yonts. **Nays 2**—Hall, Meeks.

Modifications: T. Thompson, Yea - p 2691; J. Arnold, Yea - p 2916

HB 400 Pass (Feb 25) Yeas 100—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

HB 404 Pass (Feb 17) Yeas 91—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Nesler, Nunn, Palumbo, Pasley, Pullin, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 4**—Crall, Hoover, Napier, Nelson.

Modifications: Barrows, Yea - p 886

HB 404 Final Passage (Apr 13) Yeas 60—J. Adams, A. Arnold, J. Arnold, Bather, Baugh, Belcher, Bratcher, Brinkman, Burch, Callahan, Cherry, L. Clark, P. Clark, Comer, Crenshaw, Damron, Denham, Deweese, Draud, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Harmon, Harper, Higdon, Hoffman, Horlander, Jenkins, Kerr, J. Lee, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Nunn, Palumbo, Pasley, Reinhardt, Richards, Riggs, Riner, Simpson, Sims, A Smith, Stein, Thomas, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 24**—Adkins, Barrows, D.D Butler, Collins, Cornett, Couch, Crall, Gray, Hall, S. Lee, Lindsay, Meade, Napier, Nelson, Pullin, Rand, Rasche, Siler, B Smith, Stacy, Stewart, Turner, Upchurch, Vincent.

HB 406 Pass (Feb 25) Yeas 90—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Hoffman, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rand, Rasche, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Reinhardt, Yea, S. Lee, Yea to Nay, Harmon, Yea to Nay - p 1206; ; Vincent, Nay - p 1872

HB 407 Pass (Mar 15) Yeas 91—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Jenkins, Kerr, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Barrows Nay - p 2709; Horlander, Yea - p 2754; Walton, Yea, J. Lee, Yea - p 2916

HB 412 Pass (Feb 12) Yeas 90—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, Callahan, L. Clark, P. Clark, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nesler, Nunn, Palumbo, Pasley, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, A Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Yonts. **Nays 4**—Nelson, Pullin, Sims, B Smith.

Modifications: Cherry, Yea - p 824; Bather, Yea - p 1206

HB 413 Pass (Mar 11) Yeas 65—Adkins, A. Arnold, Belcher, Bratcher, Brinkman, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, Coleman, Comer, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Feeley, Ford, Geveden, Harmon, Harper, Haydon, Higdon, Hoffman, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Marzian, Mckee, Meeks, Miller, Moberly, Napier, Nesler, Nunn, Palumbo, Pullin, Rand, Richards, Riggs, Riner, Siler, Simpson, Sims, Stacy, Stein, T Thompson, J Thompson, Turner, Vincent, Walton, Weaver, Webb, Westrom, Yonts. **Nays 26**—J. Adams, Ballard, Barrows, Bather, Baugh, Bruce, P. Clark, Collins, Farmer, Fischer, Gooch, Gray, Hall, Hoover, Lindsay, Marcotte, Meade, Mobley, Pasley, Rader, Rasche, Reinhardt, A Smith, B Smith, Stewart, Upchurch.

Modifications: J. Adams, Yea; Graham, Yea - p 2691; J. Arnold, Yea - p 2916

HB 418 Pass (Mar 15) Yeas 94—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Jenkins, Kerr, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Horlander, Yea - p 2754; Walton, Yea, J. Lee, Yea - p 2916

HB 420 Pass (Feb 13) Yeas 74—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, L. Clark, P. Clark, Collins, Comer, Cornett, Couch, Crimm, Deweese, Draud, Edmonds, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Harmon, Harper, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, Marcotte, Mckee, Meeks, Miller, Moberly, Mobley, Napier, Nelson, Nesler, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Sims, A Smith, B Smith, Stacy, Stein, T Thompson, Upchurch, Walton, Wayne, Weaver, Webb, Westrom, Yonts. **Nays 13**—Denham, Farmer, Gray, Hall, S. Lee, Lindsay, Montell, Simpson, Stewart, Thomas, J Thompson, Turner, Vincent.

Modifications: Crall, Yea - p 766; Damron, Yea - p 820; Cherry, Yea - p 824; Bather, Yea - p 1206

HB 427 Pass (Feb 25) Yeas 78—J. Adams, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Belcher, Brinkman, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Cornett, Couch, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Feeley, Geveden, Gooch, Graham, Gray, Hall, Harper, Haydon, Higdon, Hoffman, Hoover, Jenkins, Kerr, J. Lee, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stein, Thomas, T Thompson, J Thompson, Upchurch, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 11**—Baugh, Bratcher, Comer, Crall, Ford, Harmon, S. Lee, Pullin, Stewart, Turner, Vincent.

Modifications: B. Smith, Yea to Nay; Upchurch, Yea to Nay; Reinhardt, Yea to Abstain - p 1206; Stacy, Nay - p 1704; Adkins, Nay - p 4634

HB 428 Pass (Feb 26) Yeas 96—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Palumbo, Pasley, Pullin, Rader, Rand, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Geveden, Yea - p 1415

HB 430 Pass (Feb 27) Yeas 89—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Gooch, Graham, Hall, Harmon, Harper, Higdon, Hoffman, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Palumbo, Pasley, Pullin, Rand, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Gray, Yea - p 1407; Geveden, Yea - p 1415

HB 432 Pass (Feb 6) Yeas 88—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Collins, Comer, Cornett, Couch, Crimm, Damron, Denham, Deweese, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

HB 434 Pass (Mar 4) Yeas 94—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton; Wayne, Weaver, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Barrows, Yea - p 1704; Bather, Yea - p 2691

HB 434 Final Passage (Mar 29) Yeas 90—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crimm, Damron, Denham, Deweese, Edmonds, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riner, Siler, Simpson, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Vincent, Walton, Weaver, Westrom, Wilkey, Yonts. **Nays 1**—Sims.

HB 435 Pass (Mar 8) Yeas 93—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Hall, Harmon, Harper, Haydon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 1**—Higdon.

Modifications: Meeks, Yea - p 2308; Reinhardt, Yea - p 2309; Bather, Yea - p 2691

HB 436 Pass (Mar 8) Yeas 92—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Hall, Harmon, Harper, Haydon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Yonts. **Nays 0.**

Modifications: J. Thompson, Yea - p 1872; Meeks, Yea - p 2308; Reinhardt, Yea - p 2309; Bather, Yea - p 2691

HB 438 Pass (Mar 16) Yeas 92—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Jenkins, Kerr, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Vincent, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 1**—Simpson.

Modifications: Horlander, Yea - p 2754; Walton, Yea, J. Lee, Yea, Barrows, Yea - p 2916

HB 438 Final Passage (Apr 13) Yeas 91—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Bather, Baugh, Belcher, Bratcher, Brinkman, Buckingham, Burch, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crenshaw, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Reinhardt, Richards, Riggs, Riner, Siler, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 2**—Rasche, Simpson.

HB 441 Pass (Feb 19) Yeas 95—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

HB 441 Final Passage (Mar 29) Yeas 72—J. Adams, Adkins, A. Arnold, J. Arnold, Barrows, Bather, Baugh, Belcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crenshaw, Crimm, Damron, Denham, Deweese, Edmonds, Embry, Feeley, Ford, Geveden, Gooch, Graham, Gray, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Jenkins, Kerr, Marcotte, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Nelson, Nesler, Nunn, Palumbo, Pasley, Rasche, Riner, Siler, Simpson, A Smith, B Smith, T Thompson, J Thompson, Turner, Upchurch, Walton, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 18**—Bratcher, Crall, Farmer, Fischer, Horlander, S. Lee, Lindsay, Marzian, Montell, Napier, Pullin, Rand, Sims, Stacy, Stein, Stewart, Thomas, Wayne.

HB 445 Pass (Feb 13) Yeas 86—R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, L. Clark, P. Clark, Collins, Comer, Cornett, Couch, Crimm, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Higdon, Hoffman, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Mckee, Meeks, Miller, Moberly, Mobley, Napier, Nelson, Nesler, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 1**—Montell.

Modifications: Crall, Yea - p 766; Damron, Yea - p 820; Cherry, Yea - p 824; Stacy, Yea - p 948; Bather, Yea - p 1206

HB 446 Pass (Mar 5) Yeas 73—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Belcher, Buckingham, Burch, D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Crimm, Damron, Denham, Draud, Edmonds, Feeley, Geveden, Gooch, Graham, Gray, Higdon, Hoffman, Jenkins, Kerr, J. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riner, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 18**—Baugh, Brinkman, D.D Butler, Cornett, Couch, Crall, Deweese, Embry, Farmer, Fischer, Ford, Harmon, Hoover, S. Lee, Napier, Siler, Upchurch, Vincent.

Modifications: Horlander, Yea - p 2691

HB 447 Pass (Mar 3) Yeas 98—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Bather, Yea - p 2691

HB 450 Adopt Floor Amendment No. 3 (Feb 20) Yeas 3—P. Clark, Riner, Wayne. **Nays 78**—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Belcher, Bratcher, Brinkman, Buckingham, Callahan, Cherry, L. Clark, Coleman, Collins, Comer, Cornett, Couch, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Ford, Geveden, Graham, Gray, Hall, Harmon, Harper, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Palumbo, Pasley, Pullin, Rand, Rasche, Richards, Riggs, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Webb, Wilkey, Yonts.

HB 450 Motion to Lay on the Clerk's Desk (Feb 20) Yeas 32—Baugh, Bratcher, Brinkman, D.D Butler, Comer, Cornett, Couch, Crall, Crimm, Deweese, Embry, Farmer, Ford, Gooch, Harmon, Harper, Higdon, Hoover, Kerr, S. Lee, Marcotte, Mobley, Montell, Napier, Rader, Reinhardt, B Smith, Stewart, Turner, Upchurch, Vincent, Walton. **Nays 57**—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Belcher, Buckingham, D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Crenshaw, Damron, Denham, Draud, Edmonds, Geveden, Graham, Gray, Hall, Hoffman, Horlander, Jenkins, J. Lee, Lindsay, Mckee, Meeks, Miller, Moberly, Nelson, Nesler, Palumbo, Pasley, Pullin, Rand, Rasche, Richards, Riggs, Riner, Simpson, Sims, A Smith, Stacy, Stein, Thomas, T Thompson, J Thompson, Wayne, Webb, Westrom, Wilkey, Yonts.

HB 450 Pass (Feb 20) Yeas 70—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Belcher, Buckingham, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Couch, Crall, Crenshaw, Damron, Denham, Draud, Edmonds, Embry, Geveden, Graham, Gray, Hall, Harper, Higdon, Hoffman, Horlander, Jenkins, Kerr, J. Lee, Lindsay, Marcotte, Mckee, Meeks, Miller, Moberly, Napier, Nelson, Nesler, Palumbo, Pasley, Pullin, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Simpson, Sims, A Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Vincent, Walton, Wayne, Webb, Westrom, Wilkey, Yonts. **Nays 19**—Baugh, Bratcher, Brinkman, Comer, Cornett, Crimm, Deweese, Farmer, Ford, Gooch, Harmon, Hoover, S. Lee, Mobley, Montell, Rader, B Smith, Turner, Upchurch.

Modifications: Bather, Yea - p 1206

HB 454 Pass (Mar 1) Yeas 96—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Bather, Yea - p 2691

HB 456 Pass (Feb 25) Yeas 100—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

HB 458 Pass (Feb 20) Yeas 83—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Belcher, Brinkman, Buckingham, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Marcotte, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Simpson, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Walton, Wayne, Webb, Westrom, Wilkey, Yonts. **Nays 4**—Baugh, Lindsay, Sims, Vincent.

Modifications: Bather, Yea - p 1206

HB 459 Adopt Floor Amendment No. 2 (Mar 10) Yeas 41—J. Arnold, Baugh, Belcher, Bratcher, Brinkman, D.D Butler, P. Clark, Comer, Couch, Crall, Crimm, Deweese, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Hall, Harmon, Harper, Hoover, Kerr, S. Lee, Lindsay, Mckee, Mobley, Napier, Nelson, Pasley, Rader, Siler, A Smith, Stewart, T Thompson, Turner, Upchurch, Vincent, Walton, Webb. **Nays 44**—J. Adams, R. Adams, Adkins, Ballard, Bruce, Buckingham, Burch, D Butler, Callahan, Cherry, L. Clark, Coleman, Collins, Cornett, Crenshaw, Denham, Draud, Edmonds, Graham, Gray, Haydon, Hoffman, Horlander, Jenkins, J. Lee, Marcotte, Meeks, Miller, Moberly, Montell, Nunn, Pullin, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, B Smith, Thomas, J Thompson, Wayne, Weaver, Yonts.

HB 459 Pass (Mar 10) Yeas 61—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Brinkman, Bruce, Burch, D Butler, Callahan, Cherry, L. Clark, Coleman, Collins, Cornett, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Feeley, Graham, Gray, Hall, Haydon, Higdon, Hoffman, Horlander, Jenkins, Kerr, J. Lee, Lindsay, Meade, Meeks, Miller, Moberly, Montell, Nesler, Nunn, Palumbo, Pullin, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Simpson, B Smith, Thomas, T Thompson, J Thompson, Vincent, Wayne, Weaver, Westrom, Yonts. **Nays 27**—Baugh, Belcher, Bratcher, D.D Butler, P. Clark, Comer, Couch, Farmer, Fischer, Gooch, Harmon, Harper, Hoover, S. Lee, Marcotte, Mckee, Mobley, Napier, Pasley, Rader, Siler, A Smith, Stacy, Stewart, Turner, Walton, Webb.

Modifications: Marcotte, Nay to Yea; Meade, Yea to Nay - p 2568; Pullin, Nay - p 2691

HB 460 Pass (Feb 24) Yeas 91—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Simpson, Sims, A Smith, B Smith, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Wilkey, Yonts. **Nays 0.**

Modifications: Crenshaw, Yea, Webb, Yea - p 1084

HB 461 Adopt Floor Amendment No. 2 (Mar 4) Yeas 46—A. Arnold, Ballard, Barrows, Baugh, Bruce, Buckingham, Callahan, Coleman, Cornett, Couch, Crall, Denham, Deweese, Edmonds, Farmer, Feeley, Fischer, Ford, Harmon, Harper, Haydon, Higdon, Hoover, Kerr, J. Lee, S. Lee, Moberly, Mobley, Napier, Nelson, Nunn, Palumbo, Pasley, Rader, Rand, Reinhardt, Richards, A Smith, B Smith, Stewart, T Thompson, Turner, Upchurch, Walton, Weaver, Westrom. **Nays 44**—J. Adams, Adkins, J. Arnold, Belcher, Bratcher, Brinkman, Burch, D.D Butler, Cherry, L. Clark, P. Clark, Collins, Comer, Crenshaw, Crimm, Draud, Embry, Geveden, Gooch, Graham, Gray, Hall, Hoffman, Horlander, Jenkins, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Montell, Pullin, Rasche, Riggs, Riner, Siler, Simpson, Sims, Stacy, J Thompson, Vincent, Wayne, Wilkey.

Modifications: Webb, Yea - p 1719

HB 461 Pass (Mar 4) Yeas 96—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Bather, Yea - p 2691

HB 461 Final Passage (Mar 29) Yeas 93—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crimm, Damron, Denham, Deweese, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Gooch, Graham, Gray, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riner, Siler, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 1**—Simpson.

HB 466 Pass (Feb 23) Yeas 46—J. Adams, A. Arnold, J. Arnold, Barrows, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Crenshaw, Crimm, Deweese, Draud, Edmonds, Feeley, Geveden, Gooch, Graham, Harper, Haydon, Horlander, Jenkins, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Nunn, Palumbo, Rand, Riggs, Simpson, A Smith, Stein, J Thompson, Wayne, Wilkey, Yonts. **Nays 38**—Baugh, D.D Butler, Collins, Cornett, Couch, Crall, Damron, Fischer, Ford, Gray, Hall, Harmon, Higdon, Hoffman, Hoover, Kerr, J. Lee, S. Lee, Meade, Moberly, Montell, Napier, Nesler, Pasley, Pullin, Richards, Riner, Sims, B Smith, Stacy, Stewart, Thomas, Turner, Upchurch, Vincent, Walton, Weaver, Webb.

Modifications: Denham, Nay, T. Thompson, Nay, Cherry, Yea to Nay, - p 955; Westrom, Yea - p 1084; Bather, Yea - p 1206

HB 471 Pass (Feb 26) Yeas 91—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Feeley, Fischer, Ford, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Hoffman, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Palumbo, Pasley, Pullin, Rand, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Geveden, Yea - p 1415

HB 471 Final Passage (Apr 13) Yeas 92—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Bratcher, Brinkman, Buckingham, Burch, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 2**—Belcher, Rasche.

HB 473 Pass (Mar 1) Yeas 96—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

HB 477 Pass (Mar 8) Yeas 83—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Collins, Couch, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Feeley, Geveden, Gooch, Graham, Hall, Harmon, Harper, Haydon, Hoffman, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Marcotte, Marzian, Mckee, Meade, Miller, Moberly, Mobley, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Westrom, Wilkey. **Nays 9**—Comer, Crall, Farmer, Fischer, Ford, Hoover, Montell, Webb, Yonts.

Modifications: Meeks, Yea - p 2308; Reinhardt, Yea - p 2309; Bather, Yea - p 2691

HB 483 Pass (Mar 15) Yeas 89—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D.D Butler, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Ford, Geveden, Gooch, Graham, Gray, Hall, Harper, Haydon, Hoffman, Hoover, Jenkins, Kerr, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Horlander, Yea - p 2754; Walton, Yea, J. Lee, Yea - p 2916

HB 485 Pass (Mar 1) Yeas 68—J. Adams, Adkins, A. Arnold, J. Arnold, Barrows, Baugh, Bratcher, Buckingham, Burch, D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Crimm, Denham, Deweese, Draud, Edmonds, Feeley, Geveden, Graham, Gray, Hall, Harper, Hoffman, Horlander, Jenkins, Kerr, J. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Nelson, Nesler, Palumbo, Pasley, Pullin, Rand, Rasche, Richards, Riggs, Riner, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Thomas, T Thompson, J Thompson, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 22**—Ballard, Belcher, D.D Butler, Cornett, Couch, Crall, Damron, Farmer, Fischer, Ford, Harmon, Higdon, Hoover, S. Lee, Mobley, Montell, Napier, Rader, Siler, Stewart, Turner, Upchurch.

Modifications: Crenshaw, Yea - p 1415; Graham, Yea to Nay - p 1705; Bather, Yea - p 2691

HB 489 Pass (Mar 2) Yeas 95—J. Adams, R. Adams, Adkins, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Wilkey, Yonts. **Nays 1**—Nunn.

HB 490 Pass (Mar 15) Yeas 93—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Jenkins, Kerr, S. Lee, Lindsay, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Horlander, Yea - p 2754; Walton, Yea, J. Lee, Yea - p 2916

HB 492 Pass (Mar 1) Yeas 95—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Crenshaw, Yea - p 1415; Bather, Yea - p 2691

HB 493 Pass (Mar 16) Yeas 72—J. Adams, Adkins, Bather, Baugh, Belcher, Bratcher, Brinkman, Buckingham, Burch, D.D Butler, Callahan, Cherry, L. Clark, Coleman, Comer, Cornett, Crall, Crenshaw, Crimm, Damron, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Graham, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, Marcotte, Marzian, Meeks, Miller, Moberly, Mobley, Montell, Nelson, Nunn, Palumbo, Pullin, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Upchurch, Vincent, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 15**—J. Arnold, Denham, Gooch, Gray, Lindsay, Mckee, Meade, Nesler, Pasley, Rader, Rand, Sims, A Smith, B Smith, Turner.

Modifications: Walton, Yea, J. Lee, Yea, Barrows, Yea - p 2916

HB 495 Pass (Mar 4) Yeas 56—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Belcher, Bruce, Buckingham, Burch, D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Damron, Feeley, Geveden, Graham, Gray, Haydon, Hoffman, Horlander, Jenkins, J. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Miller, Moberly, Napier, Nesler, Palumbo, Pasley, Pullin, Rand, Rasche, Reinhardt, Richards, Riner, Simpson, Sims, Stacy, Thomas, T Thompson, J Thompson, Turner, Vincent, Wayne, Weaver, Westrom, Wilkey, Yonts. **Nays 35**—Barrows, Baugh, Bratcher, Brinkman, D.D Butler, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Deweese, Draud, Edmonds, Embry, Farmer, Fischer, Ford, Gooch, Harmon, Higdon, Hoover, Kerr, S. Lee, Mobley, Montell, Nelson, Nunn, Rader, Siler, A Smith, B Smith, Stewart, Upchurch, Walton.

Modifications: Riggs, Yea - p 495; Stacy, Yea to Nay; Meeks, Yea - p 1704; Webb, Yea - p 1719; Barrows, Nay to Yea - p 1872; Bather, Yea - p 2691; Riggs, Yea, - p 2709; Adkins, Nay - p 4634

HB 498 Pass (Mar 12) Yeas 74—J. Adams, Adkins, A. Arnold, Ballard, Barrows, Bather, Belcher, Brinkman, Bruce, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Ford, Geveden, Gooch, Gray, Harper, Haydon, Hoffman, Horlander, Jenkins, Kerr, J. Lee, Marcotte, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, B Smith, Stacy, Stewart, T Thompson, J Thompson, Turner, Vincent, Walton, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 11**—Baugh, Bratcher, Comer, Couch, Crall, Harmon, Higdon, Lindsay, Sims, A Smith, Upchurch.

Modifications: Crenshaw, Yea - p 2700; J. Arnold, Yea - p 2916

HB 499 Pass (Mar 16) Yeas 88—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crenshaw, Crimm, Damron, Denham, Deweese, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Hoffman, Horlander, Jenkins, Kerr, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Montell, Napier, Nelson, Nesler, Palumbo, Pasley, Pullin, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Walton, Yea, J. Lee, Yea, Barrows, Yea - p 2916

HB 502 Pass (Mar 16) Yeas 89—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Feeley, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Jenkins, Kerr, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Vincent, Wayne, Weaver, Westrom, Wilkey, Yonts. **Nays 1**—Cornett.

Modificaitons: Horlander, Yea - p 2754; Walton, Yea, J. Lee, Yea, Barrows, Yea - p 2916

HB 508 Pass (Mar 15) Yeas 95—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Jenkins, Kerr, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Horlander, Yea - p 2754; Walton, Yea, J. Lee, Yea - p 2916

HB 510 Pass (Mar 8) Yeas 86—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Baugh, Belcher, Bratcher, Brinkman, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, Marcotte, Marzian, Mckee, Meade, Miller, Moberly, Mobley, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Walton, Weaver, Westrom, Wilkey, Yonts. **Nays 2**—Lindsay, Webb.

Modifications: Vincent, Yea; Barrows, Nay - p 1872; Meeks, Yea - p 2308; Reinhardt, Yea - p 2309; Bather, Yea - p 2691

HB 510 Final Passage (Mar 29) Yeas 84—J. Adams, Adkins, A. Arnold, J. Arnold, Barrows, Bather, Baugh, Belcher, Brinkman, Buckingham, Burch, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Comer, Cornett, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riner, Siler, Simpson, Sims, A Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Westrom, Yonts. **Nays 6**—Ballard, Bruce, Collins, Couch, Gray, B Smith.

HB 511 Pass (Mar 16) Yeas 52—J. Adams, Adkins, J. Arnold, Ballard, Belcher, Bruce, Buckingham, Burch, D Butler, Callahan, Cherry, L. Clark, Coleman, Collins, Cornett, Denham, Draud, Geveden, Graham, Harper, Haydon, Hoffman, Jenkins, Lindsay, Marcotte, Marzian, Mckee, Meade, Miller, Moberly, Nesler, Nunn, Palumbo, Pasley, Pullin, Rand, Rasche, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, Stacy, Thomas, J Thompson, Vincent, Wayne, Weaver, Westrom, Yonts. **Nays 36**—Bather, Bratcher, Brinkman, D.D Butler, P. Clark, Comer, Couch, Crall, Crenshaw, Crimm, Damron, Deweese, Farmer, Feeley, Fischer, Ford, Gooch, Gray, Hall, Harmon, Higdon, Hoover, Kerr, S. Lee, Mobley, Montell, Napier, Nelson, Rader, Reinhardt, B Smith, Stewart, T Thompson, Turner, Upchurch, Webb.

Modifications: Riner Yea to Nay - p 2753; Horlander, Yea - p 2754; Barrows, Nay, Walton, Nay - p 2915; J. Lee, Yea - p 2916

HB 514 Pass (Mar 10) Yeas 94—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riner, Siler, Simpson, A Smith, B Smith, Stacy, Stein, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Yonts. **Nays 3**—Cornett, Riggs, Stewart.

Modifications: Hall, Yea - p 2691

HB 516 Pass (Mar 17) Yeas 66—J. Adams, Adkins, A. Arnold, J. Arnold, Barrows, Bather, Belcher, Buckingham, Burch, D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Crenshaw, Damron, Denham, Edmonds, Geveden, Gooch, Graham, Gray, Harper, Haydon, Higdon, Hoffman, Horlander, Jenkins, Kerr, J. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Simpson, Sims, A Smith, Stacy, Stein, Thomas, T Thompson, J Thompson, Turner, Upchurch, Wayne, Weaver, Webb, Westrom, Yonts. **Nays 24**—Ballard, Baugh, Brinkman, D.D Butler, Comer, Cornett, Crall, Crimm, Deweese, Embry, Farmer, Feeley, Fischer, Harmon, Hoover, S. Lee, Mobley, Montell, Napier, Rader, Siler, Stewart, Vincent, Walton.

Modifications: B. Smith, Nay - p 2915; Wilkey, Yea, Ford, Nay - p 2916

HB 517 Pass (Mar 5) Yeas 86—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Brinkman, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crimm, Damron, Denham, Deweese, Edmonds, Embry, Farmer, Feeley, Fischer, Geveden, Gooch, Graham, Gray, Harmon, Harper, Higdon, Hoffman, Hoover, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Westrom, Yonts. **Nays 1**—Draud.

Modifications: Stacy, Yea; Nesler, Yea - p 1718; Webb, Yea - p 1719; Ford, Yea; Bather, Yea; Horlander, Yea - p 2691

HB 518 Pass (Feb 26) Yeas 95—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Palumbo, Pasley, Rader, Rand, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 1**—Pullin.

Modifications: Geveden, Yea - p 1415

HB 519 Pass (Mar 5) Yeas 88—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Brinkman, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Harmon, Harper, Higdon, Hoffman, Hoover, Jenkins, Kerr, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riner, Siler, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Yonts. **Nays 0.**

Modifications: Simpson, Yea - p 1718; Bather, Yea; Horlander, Yea - p 2691

HB 526 Pass (Mar 16) Yeas 91—Adkins, A. Arnold, J. Arnold, Ballard, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Walton, Yea, J. Lee, Yea, Barrows, Yea - p 2916

HB 528 Pass (Mar 2) Yeas 97—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Bather, Yea - p 2691

HB 535 Pass (Mar 4) Yeas 93—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Graham, Yea - p 1705; Webb, Yea - p 1719; Bather, Yea - p 2691

HB 537 Pass (Mar 16) Yeas 90—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D.D Butler, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Hoffman, Hoover, Jenkins, Kerr, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Wayne, Weaver, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Webb, Yea - p 2753; Horlander, Yea - p 2754; Walton, Yea, J. Lee, Yea, Barrows, Yea - p 2916

HB 539 Pass (Mar 1) Yeas 86—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Baugh, Belcher, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Geveden, Graham, Gray, Hall, Harmon, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Richards, Riggs, Riner, Siler, Simpson, A Smith, B Smith, Stacy, Stein, Stewart, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 1**—Sims.

Modifications: Barrows, Yea; Crenshaw, Yea; Sims, Nay to Yea - p 1415; Bather, Yea - p 2691

HB 547 Pass (Mar 16) Yeas 92—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, Lindsay, Marcotte, Marzian, Mckee, Meade, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Walton, Yea, J. Lee, Yea, Barrows, Yea - p 2916

HB 549 Pass (Feb 26) Yeas 95—R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Palumbo, Pasley, Pullin, Rand, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T. Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Geveden, Yea - p 1415

HB 550 Pass (Mar 11) Yeas 93—J. Adams, R. Adams, Adkins, A. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Gray, Hall, Harmon, Harper, Haydon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Weaver, Webb, Westrom, Yonts. **Nays 0.**

Modifications: Graham, Yea - p 2691; J. Arnold, Yea - p 2916

HB 551 Pass (Mar 5) Yeas 88—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Baugh, Belcher, Brinkman, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Harmon, Harper, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Reinhardt, Richards, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Barrows, Yea - p 1719; Bather, Yea - p 2691

HB 551 Final Passage (Apr 13) Yeas 93—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Higdon, Hoffman, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

HB 558 Pass (Mar 9) Yeas 95—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Webb, Yea; Barrows, Yea - p 2309; Horlander, Yea - p 2691

HB 559 Pass (Mar 16) Yeas 63—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Bather, Belcher, Bruce, Buckingham, Burch, D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Couch, Crenshaw, Damron, Denham, Draud, Ford, Geveden, Graham, Gray, Hall, Harper, Higdon, Hoffman, Jenkins, Kerr, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Nesler, Nunn, Palumbo, Pullin, Rand, Rasche, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, T Thompson, J Thompson, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 22**—Baugh, Brinkman, D.D Butler, Comer, Crall, Crimm, Deweese, Edmonds, Farmer, Fischer, Gooch, Harmon, Hoover, S. Lee, Lindsay, Montell, Napier, Pasley, Rader, Thomas, Turner, Vincent.

Modifications: Horlander, Yea - p 2754; Walton, Nay - p 2915; Barrows, Yea - p 2916

HB 560 Pass (Mar 16) Yeas 44—Adkins, A. Arnold, J. Arnold, Bather, Baugh, Belcher, Bruce, Buckingham, Burch, D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Crenshaw, Damron, Draud, Embry, Geveden, Graham, Hoffman, Jenkins, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Nesler, Nunn, Palumbo, Pullin, Rasche, Richards, Riner, Simpson, Stacy, Stewart, T Thompson, Vincent, Wayne, Westrom, Yonts. **Nays 41**—J. Adams, Ballard, Bratcher, Brinkman, D.D Butler, Collins, Comer, Cornett, Couch, Crall, Crimm, Denham, Edmonds, Farmer, Feeley, Fischer, Ford, Gooch, Gray, Harmon, Harper, Higdon, Hoover, Kerr, S. Lee, Lindsay, Marcotte, Mobley, Montell, Napier, Nelson, Pasley, Rand, Reinhardt, Siler, A Smith, B Smith, Turner, Upchurch, Weaver, Webb.

Modifications: Thomas, Nay - p 2753; Horlander, Yea - p 2754; Barrows, Nay, Walton, Nay, - p 2915; Riggs, Yea, J. Lee, Yea - p 2916

HB 562 Adopt Floor Amendment No. 2 (Mar 17) Yeas 39—J. Arnold, Barrows, Brinkman, Buckingham, Burch, D Butler, D.D Butler, Callahan, L. Clark, P. Clark, Coleman, Comer, Crall, Edmonds, Embry, Feeley, Fischer, Hall, Harper, Hoffman, Horlander, Kerr, Meeks, Moberly, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pullin, Rasche, Riner, Simpson, A Smith, T Thompson, Vincent, Walton, Wayne. **Nays 38**—J. Adams, Ballard, Bather, Baugh, Belcher, Bratcher, Bruce, Cherry, Collins, Crimm, Damron, Draud, Ford, Geveden, Gooch, Gray, Haydon, J. Lee, S. Lee, Marcotte, Mckee, Miller, Mobley, Pasley, Rand, Reinhardt, Richards, Riggs, Siler, Sims, B Smith, Stewart, Thomas, J Thompson, Turner, Upchurch, Weaver, Yonts.

Modifications: Webb, Yea - p 2916; Westrom, Yea - p 3334

HB 562 Pass (Mar 17) Yeas 85—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoover, Horlander, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Weaver, Wilkey, Yonts. **Nays 0.**

Modifications: Hoffman, Yea - p 2915; Webb, Yea - p 2916; Denham, Yea - p 3243

HB 563 Pass (Mar 9) Yeas 99—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: T. Thompson - p 2309

HB 569 Pass (Mar 15) Yeas 91—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Jenkins, Kerr, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Wayne, Weaver, Webb, Wilkey, Yonts. **Nays 1**—S. Lee.

Modifications: Horlander, Yea - p 2754; Walton, Yea, J. Lee, Yea - p 2916

HB 570 Pass (Mar 12) Yeas 68—J. Adams, Adkins, A. Arnold, Ballard, Barrows, Bather, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Collins, Crenshaw, Crimm, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Geveden, Gooch, Graham, Gray, Harper, Higdon, Hoffman, Horlander, Jenkins, Kerr, Lindsay, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Napier, Nesler, Palumbo, Pasley, Pullin, Rand, Rasche, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, J Thompson, Turner, Vincent, Webb, Westrom, Wilkey, Yonts. **Nays 3**—Comer, Crall, Montell.

Modifications: Reinhardt, Yea - p 2709; Marzian, Yea - p 2710; J. Arnold, Yea - p 2916

HB 571 Pass (Mar 16) Yeas 92—J. Adams, Adkins, A. Arnold, Ballard, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: P. Clark, Yea - p 2754; Walton, Yea, J. Lee, Yea, Barrows, Yea - p 2916

HB 572 Pass (Mar 17) Yeas 87—J. Adams, Adkins, A. Arnold, J. Arnold, Barrows, Bather, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Cornett, Couch, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Napier, Nelson, Nesler, Palumbo, Pasley, Pullin, Rader, Rand, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, J Thompson, Turner, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Ford, Yea - p 2916; Denham, Abstain - p 3243

HB 575 Pass (Mar 17) Yeas 94—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, S. Lee, Lindsay, Marcotte, Mckee, Meade, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Meeks, Yea - p 2915; Ford, Yea - p 2916

HB 577 Pass (Mar 2) Yeas 98—R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

HB 577 Final Passage (Mar 25) Yeas 93—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Palumbo, Yea - p 4003; Webb, Yea - p 4053

HB 580 Pass (Mar 16) Yeas 88—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Baugh, Belcher, Bratcher, Bruce, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Walton, Yea, J. Lee, Yea, Barrows, Yea - p 2916

HB 585 Pass (Mar 19) Yeas 88—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Wilkey. **Nays 3**—Cornett, Stacy, Webb.

Modifications: Marzian, Yea - 3270; Yonts, Yea, Geveden, Yea - p 3275; Westrom, Yea - p 3334

HB 586 Pass (Mar 15) Yeas 69—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Crall, Crimm, Denham, Deweese, Draud, Edmonds, Ford, Geveden, Gooch, Graham, Gray, Harper, Haydon, Hoffman, Hoover, Jenkins, Kerr, Lindsay, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rasche, Richards, Riggs, Riner, Siler, A Smith, B Smith, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 19**—Baugh, D.D Butler, Comer, Cornett, Couch, Embry, Farmer, Feeley, Fischer, Harmon, Higdon, S. Lee, Marcotte, Mobley, Montell, Napier, Reinhardt, Sims, Stacy.

Modifications: Rand, Nay - p 2709; Horlander, Yea - p 2754; Walton, Nay - p 2915; J. Lee, Yea - p 2916; Vincent, Nay - p 3270

HB 588 Pass (Mar 10) Yeas 94—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, Coleman, Collins, Comer, Cornett, Couch, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Wayne, Weaver, Webb, Westrom, Yonts. **Nays 0.**

Modifications: Gray, Yea - p 2568

HB 593 Pass (Mar 17) Yeas 94—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Wilkey, Yonts. **Nays 0.**

Modifications: Riggs, Yea - p 2915; Westrom, Yea - p 3334

HB 593 Final Passage (Mar 29) Yeas 95—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crimm, Damron, Denham, Deweese, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

HB 595 Pass (Mar 10) Yeas 77—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Barrows, Belcher, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Crenshaw, Crimm, Damron, Denham, Edmonds, Embry, Feeley, Geveden, Graham, Gray, Hall, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nesler, Nunn, Palumbo, Pasley, Pullin, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Simpson, A Smith, B Smith, Stacy, Stein, Thomas, T Thompson, J Thompson, Turner, Upchurch, Walton, Wayne, Weaver, Webb, Westrom, Yonts. **Nays 15**—Ballard, Baugh, Bratcher, Brinkman, Cornett, Couch, Crall, Deweese, Draud, Fischer, Ford, Gooch, Harmon, Stewart, Vincent.

Modifications: Ford, Nay to Yea - p 3243

HB 595 Final Passage (Mar 29) Yeas 89—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Edmonds, Embry, Farmer, Ford, Geveden, Gooch, Graham, Gray, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Westrom, Yonts. **Nays 1**—Feeley.

HB 596 Pass (Mar 10) Yeas 96—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Yonts. **Nays 0.**

HB 597 Pass (Mar 10) Yeas 46—J. Adams, Adkins, A. Arnold, Ballard, Belcher, Brinkman, Bruce, Burch, D Butler, Callahan, L. Clark, P. Clark, Crenshaw, Crimm, Deweese, Draud, Farmer, Fischer, Geveden, Gooch, Graham, Harper, Haydon, Hoover, Horlander, Jenkins, J. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Nunn, Palumbo, Rand, Richards, Riggs, Simpson, A Smith, Stein, Wayne, Weaver, Westrom, Yonts. **Nays 35**—Baugh, D.D Butler, Collins, Comer, Cornett, Couch, Crall, Damron, Embry, Feeley, Ford, Hall, Harmon, Higdon, Hoffman, Kerr, S. Lee, Meade, Montell, Napier, Nelson, Pasley, Pullin, Rader, Reinhardt, Riner, Siler, B Smith, Stacy, Stewart, T Thompson, Turner, Upchurch, Vincent, Walton.

Modifications: Gray, Nay - p 2568

HB 598 Pass (Mar 10) Yeas 34—J. Adams, Ballard, Barrows, Belcher, Bratcher, Brinkman, Bruce, Burch, D Butler, Callahan, L. Clark, P. Clark, Coleman, Crenshaw, Crimm, Deweese, Draud, Farmer, Gooch, Graham, Harper, Haydon, Horlander, Jenkins, Meeks, Miller, Moberly, Palumbo, Simpson, A Smith, Stein, Wayne, Weaver, Westrom. **Nays 54**—R. Adams, Adkins, Baugh, D.D Butler, Collins, Comer, Cornett, Couch, Crall, Damron, Denham, Edmonds, Embry, Feeley, Fischer, Ford, Gray, Hall, Harmon, Higdon, Hoffman, Hoover, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Mckee, Meade, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Pasley, Pullin, Rader, Rand, Reinhardt, Richards, Riggs, Riner, B Smith, Stacy, Stewart, Thomas, T Thompson, Turner, Upchurch, Vincent, Walton, Webb, Yonts.

HB 609 Pass (Mar 15) Yeas 94—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Comer, Cornett, Couch, Crall, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Jenkins, Kerr, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Horlander, Yea - p 2754; Walton, Yea, J. Lee, Yea - p 2916

HB 611 Pass (Mar 15) Yeas 51—J. Adams, A. Arnold, J. Arnold, Belcher, Bruce, Buckingham, Burch, D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Comer, Crimm, Denham, Draud, Edmonds, Feeley, Ford, Geveden, Gooch, Graham, Gray, Hall, Harper, Haydon, Jenkins, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Napier, Nunn, Palumbo, Pullin, Rand, Rasche, Richards, Riner, Stein, Thomas, J Thompson, Wayne, Weaver, Westrom, Wilkey, Yonts. **Nays 32**—R. Adams, Ballard, Baugh, Bratcher, D.D Butler, Collins, Cornett, Damron, Embry, Farmer, Fischer, Harmon, Higdon, Hoffman, Kerr, S. Lee, Meade, Mobley, Montell, Nesler, Pasley, Reinhardt, Riggs, Siler, Sims, A Smith, B Smith, Stacy, Stewart, Turner, Vincent, Webb.

Modifications: Barrows, Yea - p 2709; Horlander, Yea - p 2754; Walton, Nay - p 2915; J. Lee, Yea - p 2916; Adkins, Nay - p 4634

HB 614 Pass (Mar 12) Yeas 81—R. Adams, Adkins, A. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Couch, Crall, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Feeley, Geveden, Gooch, Graham, Gray, Harmon, Haydon, Higdon, Hoffman, Jenkins, Kerr, J. Lee, S. Lee, Marcotte, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, T Thompson, J Thompson, Turner, Upchurch, Walton, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 1**—Vincent.

Modifications: Crenshaw, Yea - p 2700; J. Arnold, Yea - p 2916

HB 619 Pass (Mar 16) Yeas 92—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 1**—Lindsay.

Modifications: Walton, Yea, J. Lee, Yea, Barrows, Yea - p 2916

HB 621 Pass (Mar 16) Yeas 92—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Jenkins, Kerr, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Wayne, Weaver, Webb, Westrom, Yonts. **Nays 0.**

Modifications: Horlander, Yea - p 2754; Walton, Yea, J. Lee, Yea, Barrows, Yea - p 2916

HB 626 Pass (Mar 16) Yeas 85—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Bather, Baugh, Bratcher, Brinkman, Buckingham, Burch, D.D Butler, Cherry, L. Clark, P. Clark, Coleman, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Jenkins, Kerr, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Wayne, Weaver, Westrom, Wilkey, Yonts. **Nays 3**—Belcher, Damron, Gooch.

Modifications: Horlander, Yea - p 2754; Walton, Yea, J. Lee, Yea, Barrows, Yea - p 2916

HB 627 Pass (Mar 18) Yeas 86—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Cornett, Couch, Crall, Crenshaw, Crimm, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Gray, Hall, Harmon, Harper, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Upchurch, Vincent, Walton, Weaver, Webb, Wilkey, Yonts. **Nays 7**—Belcher, Damron, Graham, Nunn, Palumbo, Simpson, Turner.

Modifications: S. Lee, Yea to Nay - p 3270; Miller, Yea - p 3275; Westrom, Yea - p 3334

HB 627 Concur Senate Committee Substitute No. 1 (Apr 13) Yeas 81—J. Adams, Adkins, J. Arnold, Ballard, Baugh, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Upchurch, Vincent, Walton, Webb, Westrom, Yonts. **Nays 9**—Barrows, Belcher, Damron, Graham, Mckee, Nunn, Simpson, Turner, Weaver.

HB 627 Final Passage (Apr 13) Yeas 78—J. Adams, Adkins, J. Arnold, Ballard, Baugh, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crenshaw, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, S. Lee, Lindsay, Marcotte, Marzian, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riner, Siler, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Vincent, Walton, Webb, Westrom, Yonts. **Nays 12**—Barrows, Belcher, Damron, Graham, J. Lee, Nunn, Palumbo, Simpson, Sims, Stein, Turner, Weaver.

HB 633 Pass (Mar 18) Yeas 92—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Weaver, Webb, Wilkey, Yonts. **Nays 0.**

Modifications: Gray, Yea, Barrows, Yea - p 3243; Stacy, Yea, Comer, Yea - p 3270; Westrom, Yea - p 3334

HB 644 Pass (Mar 17) Yeas 94—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Vincent, Walton, Wayne, Weaver, Webb, Wilkey, Yonts. **Nays 0.**

Modifications: Barrows, Yea - 2915; Westrom, Yea - p 3334

HB 645 Pass (Mar 17) Yeas 81—J. Adams, Adkins, A. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Feeley, Geveden, Gooch, Gray, Hall, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Mckee, Meade, Meeks, Miller, Moberly, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Wayne, Weaver, Westrom, Yonts. **Nays 1**—Mobley.

Modifications: Sims, Yea - p 2915; Webb, Yea, Wilkey, Yea, Ford, Yea - p 2916

HB 646 Pass (Mar 17) Yeas 95—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Hoffman, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Wilkey, Yonts. **Nays 0.**

Modifications: Westrom, Yea - p 3334

HB 650 Pass (Mar 10) Yeas 95—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Weaver, Webb, Westrom, Yonts. **Nays 2**—Marzian, Wayne.

Modifications: Hall, Yea - p 2691; Walton, Yea - p 2916

HB 670 Pass (Mar 16) Yeas 85—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Bather, Baugh, Belcher, Bratcher, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Collins, Cornett, Couch, Crenshaw, Crimm, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Haydon, Higdon, Hoffman, Hoover, Jenkins, Kerr, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 8**—Brinkman, Comer, Crall, Damron, Feeley, Harper, S. Lee, Riner.

Modifications: T. Thompson, Yea to Nay - p 2753; Horlander, Yea - p 2754; Walton, Yea, J. Lee, Yea, Barrows, Yea - p 2916

HB 671 Pass (Mar 16) Yeas 91—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Jenkins, Kerr, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Vincent, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Horlander, Yea - p 2753; Embry Yea, A. Smith Yea - p 2754; Walton, Yea, J. Lee, Yea, Barrows, Yea - p 2916

HB 672 Pass (Mar 17) Yeas 96—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Ford, Yea - p 2916

HB 677 Pass (Mar 15) Yeas 37—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Buckingham, Burch, D Butler, Callahan, Cherry, L. Clark, P. Clark, Collins, Denham, Geveden, Graham, Hoffman, Jenkins, Marzian, Meade, Meeks, Miller, Moberly, Palumbo, Pullin, Rand, Simpson, Stacy, Stein, Stewart, T Thompson, J Thompson, Wayne, Webb, Westrom, Wilkey. **Nays 47**—Baugh, Belcher, Bratcher, Brinkman, Bruce, D.D Butler, Comer, Cornett, Couch, Crall, Crimm, Damron, Deweese, Draud, Farmer, Feeley, Fischer, Ford, Gooch, Gray, Hall, Harmon, Higdon, Hoover, Kerr, S. Lee, Lindsay, Marcotte, Mckee, Mobley, Napier, Nelson, Nesler, Nunn, Pasley, Rader, Reinhardt, Richards, Siler, Sims, A Smith, B Smith, Thomas, Turner, Upchurch, Vincent, Yonts.

Modifications: Horlander, Yea - p 2754; Walton, Nay - p 2915; J. Lee,Nay - p 2916

HB 683 Pass (Mar 12) Yeas 52—J. Adams, R. Adams, Adkins, A. Arnold, Ballard, Barrows, Bather, Belcher, Buckingham, Burch, D Butler, Callahan, Cherry, L. Clark, P. Clark, Collins, Damron, Denham, Edmonds, Geveden, Gooch, Graham, Gray, Hoffman, Horlander, Jenkins, J. Lee, Lindsay, Mckee, Meade, Meeks, Miller, Moberly, Nelson, Nesler, Palumbo, Pasley, Pullin, Rand, Rasche, Reinhardt, Richards, Simpson, Sims, A Smith, Stacy, T Thompson, J Thompson, Weaver, Westrom, Wilkey, Yonts. **Nays 32**—Baugh, Bratcher, Brinkman, D.D Butler, Comer, Couch, Crall, Crimm, Deweese, Draud, Embry, Farmer, Feeley, Fischer, Ford, Harmon, Harper, Higdon, Kerr, S. Lee, Marcotte, Mobley, Montell, Napier, Rader, Siler, B Smith, Stewart, Turner, Upchurch, Vincent, Walton.

Modifications: Crenshaw, Yea - p 2700; J. Arnold, Yea - p 2916

HB 684 Pass (Mar 17) Yeas 93—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Ford, Yea - p 2916

HB 685 Pass (Mar 17) Yeas 89—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, Lindsay, Marcotte, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Nelson, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Webb, Yonts. **Nays 1**—S. Lee.

Modifications: S. Lee, Nay to Yea, Sims, Yea - p 2915; Wilkey, Yea - p 2916; Westrom, Yea - p 3334

HB 703 Pass (Mar 12) Yeas 80—J. Adams, R. Adams, Adkins, A. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Crall, Crimm, Damron, Denham, Deweese, Edmonds, Embry, Feeley, Ford, Geveden, Gooch, Graham, Gray, Harmon, Harper, Haydon, Higdon, Hoffman, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Palumbo, Pasley, Pullin, Rand, Rasche, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, T Thompson, J Thompson, Turner, Upchurch, Vincent, Weaver, Webb, Wilkey, Yonts. **Nays 0.**

Modifications: Reinhardt, Yea to Abstain - p 2699; Crenshaw, Yea - p 2700; J. Arnold, Yea - p 2916

HB 708 Pass (Mar 5) Yeas 90—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Brinkman, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Harmon, Harper, Higdon, Hoffman, Hoover, Jenkins, Kerr, J. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Bather, Yea; Horlander, Yea - p 2691

HB 708 Concur Senate Committee Substitute No. 1 (Mar 29) Yeas 40—Adkins, Barrows, Belcher, Brinkman, Buckingham, Coleman, Collins, Cornett, Crenshaw, Deweese, Draud, Edmonds, Farmer, Feeley, Fischer, Geveden, Gooch, Graham, Harper, Haydon, Hoover, Kerr, Marcotte, Meade, Moberly, Montell, Nesler, Palumbo, Pasley, Rand, Richards, Siler, A Smith, B Smith, Stein, Walton, Weaver, Webb, Westrom, Yonts. **Nays 45**—J. Adams, Bather, Baugh, Bratcher, Burch, D Butler, D.D Butler, Callahan, L. Clark, P. Clark, Comer, Couch, Crall, Crimm, Denham, Embry, Ford, Gray, Harmon, Higdon, Hoffman, Horlander, Jenkins, J. Lee, S. Lee, Lindsay, Marzian, Mckee, Meeks, Miller, Mobley, Napier, Pullin, Rasche, Riner, Sims, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Wayne.

HB 708 Final Passage (Apr 13) Yeas 64—J. Adams, Adkins, A. Arnold, J. Arnold, Barrows, Bather, Belcher, Bratcher, Brinkman, Burch, D Butler, D.D Butler, Callahan, L. Clark, P. Clark, Coleman, Cornett, Crenshaw, Damron, Deweese, Draud, Edmonds, Farmer, Feeley, Fischer, Geveden, Gooch, Graham, Gray, Harper, Haydon, Higdon, Hoover, Horlander, Jenkins, Kerr, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Nesler, Nunn, Palumbo, Pasley, Rand, Reinhardt, Richards, Riggs, Siler, Simpson, Sims, A Smith, B Smith, Thomas, Upchurch, Walton, Weaver, Westrom, Wilkey, Yonts. **Nays 24**—Ballard, Baugh, Comer, Crall, Denham, Embry, Ford, Hall, Harmon, Hoffman, J. Lee, S. Lee, Mobley, Nelson, Pullin, Rasche, Riner, Stacy, Stewart, T Thompson, Turner, Vincent, Wayne, Webb.

HCR 5 Pass (Jan 12) Yeas 94—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Bather, Yea - p 614

HJR 7 Pass (Feb 20) Yeas 88—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Buckingham, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nesler, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Bather, Yea - p 1206

HCR 8 Pass (Mar 1) Yeas 97—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Bather, Yea - p 2691

HCR 8 Final Passage (Mar 25) Yeas 90—Adkins, A. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D.D Butler, Cherry, L. Clark, P. Clark, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Callahan, Yea; Webb, Yea - p 4053

HJR 9 Pass (Feb 10) Yeas 98—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

HJR 10 Pass (Mar 17) Yeas 95—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Wilkey, Yonts. **Nays 0.**

Modifications: Westrom, Yea - p 3334

HJR 11 Pass (Feb 19) Yeas 94—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Webb, Wilkey, Yonts. **Nays 0.**

HJR 11 Final Passage (Mar 29) Yeas 91—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, Lindsay, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Westrom, Wilkey, Yonts. **Nays 0.**

HJR 11 Final Passage (Mar 29) Yeas 92—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Edmonds, Embry, Farmer, Feeley, Fischer, Geveden, Gooch, Graham, Gray, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Yonts. **Nays 0.**

HCR 14 Pass (Jan 20) Yeas 93—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Vincent, Yea - p 242

HCR 15 Pass (Jan 22) Yeas 96—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Barrows, Yea - p 280; Sims, Yea - p 286

HCR 16 Pass (Jan 28) Yeas 95—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Geveden, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Nesler, Yea - p 360; Ford, Yea - p 407; Bather, Yea - p 614

HCR 17 Adopt Floor Amendment No. 2 (Mar 2) Yeas 29—A. Arnold, Ballard, Baugh, Belcher, Brinkman, Burch, P. Clark, Comer, Draud, Feeley, Fischer, Graham, Harmon, Jenkins, S. Lee, Marzian, Mckee, Meeks, Napier, Palumbo, Riggs, Simpson, A Smith, B Smith, Stein, Thomas, Vincent, Webb, Wilkey. **Nays 50**—J. Adams, Adkins, Barrows, Bather, Bruce, D.D Butler, Callahan, Cherry, L. Clark, Coleman, Collins, Cornett, Couch, Crimm, Denham, Deweese, Edmonds, Embry, Farmer, Ford, Geveden, Gooch, Gray, Hall, Harper, Hoffman, Hoover, Horlander, Kerr, J. Lee, Lindsay, Marcotte, Meade, Miller, Moberly, Mobley, Montell, Nelson, Nesler, Pullin, Rader, Rand, Reinhardt, Richards, Siler, Stacy, Stewart, Turner, Walton, Weaver.

HCR 17 Pass (Mar 2) Yeas 75—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Baugh, Bratcher, Brinkman, Bruce, Buckingham, D Butler, D.D Butler, Callahan, Cherry, Coleman, Comer, Cornett, Couch, Crall, Crimm, Damron, Denham, Deweese, Edmonds, Embry, Farmer, Fischer, Ford, Geveden, Gooch, Gray, Hall, Harmon, Harper, Higdon, Hoffman, Hoover, Horlander, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Mckee, Meade, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Pasley, Pullin, Rader, Rand, Reinhardt, Richards, Riggs, Riner, Siler, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Weaver, Yonts. **Nays 11**—Barrows, Bather, Burch, L. Clark, P. Clark, Crenshaw, Marzian, Meeks, Palumbo, Stein, Wayne.

Modifications: Wilkey, Yea; Belcher, Yea - p 1872; P. Clark, Nay to Yea - p 4634

HJR 18 Consider Discharge Petition (Feb 26) Yeas 37—Baugh, Bratcher, Brinkman, D.D Butler, Comer, Cornett, Couch, Crall, Crimm, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Harmon, Harper, Higdon, Hoover, Kerr, S. Lee, Marcotte, Meade, Mobley, Montell, Napier, Rader, Reinhardt, Siler, B Smith, Stewart, Turner, Upchurch, Vincent, Walton. **Nays 52**—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Belcher, Bruce, Buckingham, Burch, D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Crenshaw, Damron, Gooch, Graham, Gray, Hoffman, Horlander, Jenkins, J. Lee, Lindsay, Mckee, Meeks, Miller, Moberly, Nesler, Palumbo, Pasley, Pullin, Rand, Richards, Riggs, Simpson, Sims, A Smith, Stacy, Thomas, T Thompson, J Thompson, Wayne, Webb, Westrom, Wilkey, Yonts.

Modifications: A. Smith, Yea, Meade, Nay - p 1406; Walton, Yea, J. Lee, Yea, Barrows, Yea - p 2916

HJR 18 Pass (Mar 16) Yeas 92—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Bather, Baugh, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Wayne, Weaver, Webb, Westrom, Yonts. **Nays 0.**

HJR 19 Pass (Feb 10) Yeas 98—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

HCR 20 Pass (Jan 22) Yeas 95—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, A Smith, B Smith, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Barrows, Yea - p 280; Sims, Yea - p 286

HCR 22 Pass (Jan 27) Yeas 89—R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Gray, Hall, Harmon, Harper, Haydon, Hoffman, Hoover, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Horlander, Yea - p 322; Higdon, Yea - p 360; Bather, Yea - p 614

HCR 23 Pass (Jan 16) Yeas 89—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Embry, Farmer, Feeley, Fischer, Ford, Gooch, Graham, Gray, Harmon, Harper, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Napier, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Wilkey, Yonts. **Nays 0.**

Modifications: Mobley, Yea; Edmonds, Yea; Geveden, Yea; Westrom, Yea - p 218; Bather, Yea - p 614

HCR 24 Pass (Jan 16) Yeas 89—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Embry, Farmer, Feeley, Fischer, Ford, Gooch, Graham, Gray, Harmon, Harper, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Napier, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Wilkey, Yonts. **Nays 0.**

Modifications: Mobley, Yea; Edmonds, Yea; Geveden, Yea; Westrom, Yea - p 218; Bather, Yea - p 614

HCR 26 Pass (Jan 28) Yeas 96—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Geveden, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Ford, Yea - p 407; Bather, Yea - p 614

HCR 27 Pass (Jan 26) Yeas 94—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rand, Rasche, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Reinhardt, Yea - p 360

HCR 29 Pass (Jan 15) Yeas 93—R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Yonts. **Nays 0.**

Modifications: Comer, Yea - p 192; Wilkey, Yea - p 193; Edmonds, Yea - p 218; Stein - p 280

HCR 30 Pass (Jan 20) Yeas 93—R. Adams, Adkins, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Bruce, Buckingham, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Ballard, Yea - p 218

HCR 31 Pass (Jan 21) Yeas 93—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Yonts. **Nays 0.**

Modifications: Wilkey, Yea - p 242; Bather, Yea - p 614

HCR 32 Pass (Jan 21) Yeas 94—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Yonts. **Nays 0.**

Modifications: Wilkey, Yea - p 242; Bather, Yea - p 614

HCR 33 Pass (Jan 21) Yeas 96—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Yonts. **Nays 0.**

Modifications: Wilkey, Yea - p 242

HCR 34 Pass (Jan 21) Yeas 95—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Geveden, Gooch, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Yonts. **Nays 0.**

Modifications: Wilkey, Yea - p 242

HCR 35 Pass (Jan 26) Yeas 95—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rand, Rasche, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Reinhardt, Yea - p 360

HCR 36 Pass (Jan 28) Yeas 95—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Geveden, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Ford, Yea - p 407; Bather, Yea - p 614

HR 37 Co-Sponsor (Jan 6) Yeas 96—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Bather, Yea - p 614

HCR 39 Pass (Jan 15) Yeas 93—R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Yonts. **Nays 0.**

Modifications: Comer, Yea - p 192; Wilkey, Yea - p 193; Edmonds, Yea - p 218; Stein, Yea - p 280

HJR 40 Pass (Feb 11) Yeas 92—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Bather, Yea - p 1206

HJR 42 Pass (Feb 10) Yeas 98—R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

HJR 43 Pass (Feb 12) Yeas 94—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, L. Clark, P. Clark, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Yonts. **Nays 0.**

Modifications: Cherry, Yea - p 824; Bather, Yea - p 1206

HCR 44 Pass (Jan 23) Yeas 87—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Brinkman, Bruce, Buckingham, D Butler, D.D Butler, Callahan, Cherry, L. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crimm, Damron, Denham, Deweese, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Mckee, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Pasley, Pullin, Rader, Rand, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 3**—Burch, Palumbo, Stein.

Modifications: Crenshaw, Yea - p 286; Crenshaw, Yea to Nay; Marzian, Nay - p 292; Bather, Yea - p 614

HCR 45 Pass (Jan 23) Yeas 88—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crimm, Damron, Denham, Deweese, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Hall, Harmon, Harper, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Mckee, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 2**—Palumbo, Stein.

Modifications: Crenshaw, Yea - p 286; Gray, Yea; Crenshaw, Yea to Nay; Marzian, Nay - p 292; Bather, Yea - p 614

HJR 46 Pass (Feb 11) Yeas 96—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Bather, Yea - p 1206

HR 47 Co-Sponsor (Jan 9) Yeas 86—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Collins, Cornett, Couch, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Graham, Gray, Harmon, Harper, Haydon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Sims, A Smith, B Smith, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Bather, Yea - p 614

HR 48 Co-Sponsor (Jan 9) Yeas 86—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Collins, Cornett, Couch, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Graham, Gray, Harmon, Harper, Haydon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Sims, A Smith, B Smith, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Bather, Yea - p 614

HR 49 Co-Sponsor (Jan 9) Yeas 86—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Collins, Cornett, Couch, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Graham, Gray, Harmon, Harper, Haydon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Sims, A Smith, B Smith, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Bather, Yea - p 614

HR 50 Co-Sponsor (Jan 9) Yeas 86—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Collins, Cornett, Couch, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Graham, Gray, Harmon, Harper, Haydon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Sims, A Smith, B Smith, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Bather, Yea - p 614

HR 51 Co-Sponsor (Jan 9) Yeas 86—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Collins, Cornett, Couch, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Graham, Gray, Harmon, Harper, Haydon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Sims, A Smith, B Smith, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Bather, Yea - p 614

HR 52 Co-Sponsor (Jan 9) Yeas 86—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Collins, Cornett, Couch, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Graham, Gray, Harmon, Harper, Haydon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Sims, A Smith, B Smith, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Bather, Yea - p 614

HJR 54 Pass (Feb 11) Yeas 93—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Webb, Yea - p 759; Bather, Yea - p 1206

HJR 55 Pass (Feb 27) Yeas 88—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Farmer, Feeley, Fischer, Ford, Gooch, Graham, Gray, Hall, Harmon, Harper, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Palumbo, Pasley, Pullin, Rand, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Geveden, Yea - p 1415; Bather, Yea - p 2691

HR 56 Co-Sponsor (Jan 21) Yeas 91—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Edmonds, Embry, Farmer, Feeley, Fischer, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, Lindsay, Marcotte, Marzian, Mckee, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riner, Siler, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Riggs, Yea - p 241

HCR 57 Pass (Mar 17) Yeas 97—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Ford, Yea - p 2916

HCR 63 Pass (Feb 4) Yeas 94—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Farmer, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

HJR 64 Pass (Jan 27) Yeas 92—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Gray, Hall, Harmon, Harper, Haydon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Higdon, Yea - p 360; Bather, Yea - p 614

HJR 64 Final Passage (Mar 23) Yeas 95—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoover, Horlander, Jenkins, Kerr, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Hoffman, Yea - p 4003

HJR 65 Pass (Mar 2) Yeas 100—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

HCR 66 Pass (Jan 30) Yeas 91—R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Moberly, Montell, Napier, Nelson, Nesler, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: P. Clark, Yea - p 462; Bather, Yea - p 614

HCR 67 Pass (Feb 6) Yeas 84—R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bruce, Buckingham, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Collins, Comer, Cornett, Couch, Crimm, Damron, Denham, Deweese, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Gray, Hall, Harmon, Harper, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

HJR 69 Pass (Feb 19) Yeas 92—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Simpson, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, J Thompson, Turner, Upchurch, Vincent, Walton, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

HR 71 Co-Sponsor (Jan 14) Yeas 86—J. Adams, R. Adams, Adkins, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Fischer, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Higdon, Hoffman, Hoover, Horlander, Jenkins, J. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Nelson, Nesler, Nunn, Palumbo, Pasley, Rader, Rasche, Richards, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

HR 75 Co-Sponsor (Jan 16) Yeas 84—J. Adams, R. Adams, Adkins, A. Arnold, Ballard, Baugh, Belcher, Brinkman, Bruce, Buckingham, Burch, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Deweese, Draud, Embry, Farmer, Feeley, Fischer, Ford, Gooch, Gray, Harmon, Harper, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Montell, Napier, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Graham, Yea - p 193; Bather, Yea - p 614

HR 77 Co-Sponsor (Jan 15) Yeas 95—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Yonts. **Nays 0.**

HCR 78 Pass (Feb 3) Yeas 93—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Graham, Gray, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Geveden, Yea - p 504; Bather, Yea - p 614

HJR 82 Pass (Feb 11) Yeas 91—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Collins, Comer, Cornett, Couch, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, Turner, Upchurch, Vincent, Walton, Weaver, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Webb, Yea - p 759; Bather, Yea - p 1206

HR 83 Co-Sponsor (Jan 16) Yeas 84—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Brinkman, Buckingham, Burch, D.D Butler, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Embry, Farmer, Feeley, Fischer, Ford, Gooch, Graham, Gray, Harmon, Harper, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Montell, Nelson, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Wilkey, Yonts. **Nays 0.**

Modifications: Bather, Yea - p 614

HCR 87 Pass (Jan 26) Yeas 90—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rand, Richards, Riggs, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Reinhardt, Yea - p 360

HR 88 Co-Sponsor (Jan 21) Yeas 92—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Farmer, Feeley, Fischer, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riner, Siler, Simpson, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

HR 89 Co-Sponsor (Jan 21) Yeas 83—R. Adams, Adkins, A. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Cornett, Couch, Crall, Crenshaw, Crimm, Denham, Deweese, Edmonds, Embry, Farmer, Feeley, Fischer, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, J. Lee, Lindsay, Marzian, Mckee, Meeks, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

HJR 90 Pass (Feb 18) Yeas 96—J. Adams, R. Adams, Adkins, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

HJR 91 Pass (Feb 10) Yeas 98—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

HJR 98 Pass (Feb 11) Yeas 90—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Harmon, Harper, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Weaver, Westrom, Wilkey, Yonts. **Nays 1**—Nunn.

Modifications: Webb, Yea - p 759; Barrows, Yea - p 886; Bather, Yea - p 1206

HJR 98 Final Passage (Mar 23) Yeas 93—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Hoffman, Yea - p 4003

HR 101 Co-Sponsor (Jan 28) Yeas 90—R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, D.D Butler, Callahan, L. Clark, P. Clark, Coleman, Collins, Cornett, Couch, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Bather, Yea - p 614

HJR 103 Pass (Mar 9) Yeas 64—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Belcher, Bruce, Buckingham, Burch, D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Crenshaw, Damron, Denham, Edmonds, Geveden, Gooch, Graham, Gray, Hall, Haydon, Higdon, Hoffman, Horlander, Jenkins, J. Lee, Lindsay, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Nelson, Nesler, Palumbo, Pasley, Pullin, Rand, Rasche, Richards, Riggs, Riner, Simpson, Sims, A Smith, Stacy, Stein, Thomas, T Thompson, J Thompson, Wayne, Weaver, Westrom, Wilkey, Yonts. **Nays 31**—Baugh, Bratcher, Brinkman, D.D Butler, Comer, Cornett, Couch, Crall, Crimm, Draud, Embry, Farmer, Feeley, Fischer, Ford, Harmon, Hoover, Kerr, S. Lee, Marcotte, Mobley, Montell, Rader, Reinhardt, Siler, B Smith, Stewart, Turner, Upchurch, Vincent, Walton.

Modifications: Webb, Yea - p 2309

HJR 104 Pass (Mar 9) Yeas 94—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Graham, Gray, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Palumbo, Pasley, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 3**—Gooch, Hall, Pullin.

Modifications: Montell, Nay - p 2309

HJR 105 Pass (Mar 9) Yeas 58—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Bruce, Buckingham, Burch, D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Crenshaw, Denham, Draud, Edmonds, Geveden, Gooch, Graham, Gray, Haydon, Hoffman, Horlander, Jenkins, J. Lee, Lindsay, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Nelson, Nesler, Pullin, Rand, Rasche, Richards, Riggs, Riner, Simpson, Sims, A Smith, Stacy, Stein, Thomas, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 36**—Baugh, Belcher, Bratcher, Brinkman, D.D Butler, Comer, Cornett, Couch, Crall, Crimm, Damron, Deweese, Embry, Farmer, Feeley, Fischer, Ford, Hall, Harmon, Hoover, Kerr, S. Lee, Marcotte, Mobley, Montell, Pasley, Rader, Reinhardt, Siler, B Smith, Stewart, T Thompson, Turner, Upchurch, Vincent, Walton.

Modifications: Palumbo, Nay - p 2568; Montell, Yea to Nay - p 2700

HCR 106 Pass (Mar 16) Yeas 92—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Jenkins, Kerr, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Vincent, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Horlander, Yea - p 2754; Walton, Yea - p 2915; J. Lee, Yea, Barrows, Yea - p 2916

HJR 107 Pass (Feb 26) Yeas 96—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Palumbo, Pasley, Pullin, Rader, Rand, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Geveden, Yea - p 1415

HR 108 Co-Sponsor (Feb 3) Yeas 88—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Graham, Gray, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Bather, Yea - p 614

HR 111 Co-Sponsor (Feb 2) Yeas 93—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Marcotte, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Geveden, Yea - p 504; Bather, Yea - p 614

HCR 112 Pass (Mar 3) Yeas 96—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Wilkey, Yonts. **Nays 0.**

HJR 113 Pass (Mar 2) Yeas 98—R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

HCR 114 Pass (Feb 18) Yeas 98—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

HJR 116 Pass (Feb 26) Yeas 96—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Palumbo, Pasley, Pullin, Rader, Rand, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Geveden, Yea - p 1415

HR 118 Co-Sponsor (Feb 3) Yeas 80—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Buckingham, Burch, D Butler, D.D Butler, Callahan, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crenshaw, Crimm, Denham, Deweese, Draud, Feeley, Fischer, Ford, Graham, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, Lindsay, Marcotte, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Palumbo, Pasley, Pullin, Rand, Rasche, Reinhardt, Richards, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Vincent, Walton, Wayne, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Bather, Yea - p 614

HCR 120 Pass (Mar 4) Yeas 90—R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Embry, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Westrom, Wilkey, Yonts. **Nays 0.**

HCR 121 Pass (Mar 17) Yeas 88—J. Adams, Adkins, A. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Burch, D.D Butler, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Jenkins, Kerr, J. Lee, S. Lee, Marcotte, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Webb, Wilkey, Yonts. **Nays 0.**

HCR 122 Pass (Mar 16) Yeas 92—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Horlander, Jenkins, Kerr, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rasche, Reinhardt, Richards, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Riggs, Yea, Walton, Yea, Barrows, Yea - p 2916

HCR 123 Pass (Mar 17) Yeas 92—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Weaver, Webb, Yonts. **Nays 0.**

Modifications: Wilkey, Yea - p 2916

HCR 124 Pass (Feb 25) Yeas 97—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

HJR 126 Pass (Mar 17) Yeas 98—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Ford, Yea - p 2916

HJR 128 Pass (Mar 2) Yeas 98—R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

HJR 129 Pass (Feb 20) Yeas 88—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Buckingham, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: McKee, Yea - p 949; Bather, Yea - p 1206

HR 130 Co-Sponsor (Feb 9) Yeas 89—R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Burch, D Butler, D.D Butler, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Graham, Gray, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marzian, Mckee, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Yonts. **Nays 0.**

Modifications: Bather, Yea - p 1206

HR 131 Co-Sponsor (Feb 10) Yeas 79—R. Adams, Adkins, A. Arnold, Bather, Baugh, Bratcher, Brinkman, Bruce, Buckingham, Burch, D.D Butler, L. Clark, P. Clark, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Damron, Denham, Deweese, Draud, Edmonds, Farmer, Feeley, Fischer, Ford, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Reinhardt, Richards, Siler, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Vincent, Walton, Wayne, Webb, Westrom, Yonts. **Nays 0.**

HCR 134 Pass (Feb 23) Yeas 92—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Rader, Rand, Rasche, Richards, Riggs, Riner, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Wilkey, Yonts. **Nays 0.**

Modifications: Pullin, Nay, - p 955; Westrom, Yea - p 1084; Bather, Yea - p 1206

HJR 135 Pass (Feb 24) Yeas 93—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crimm, Damron, Denham, Deweese, Draud, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Crenshaw, Yea, Webb, Yea - p 1084; Edmonda, Yea - p 2691

HJR 136 Pass (Feb 27) Yeas 91—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Gooch, Graham, Gray, Hall, Harmon, Harper, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Palumbo, Pasley, Pullin, Rand, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Geveden, Yea - p 1415; Bather, Yea - p 2691

HR 139 Pass (Mar 4) Yeas 87—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Baugh, Belcher, Bratcher, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Edmonds, Embry, Farmer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Reinhardt, Richards, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Westrom, Yonts. **Nays 0.**

Modifications: Barrows, Yea - p 1704; Webb, Yea - p 1719; Bather, Yea - p 2691

HR 140 Pass (Feb 24) Yeas 94—R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Yonts. **Nays 0.**

HJR 142 Pass (Mar 3) Yeas 92—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Vincent, Walton, Weaver, Wilkey, Yonts. **Nays 0.**

Modifications: Bather, Yea - p 2691

HJR 143 Pass (Feb 25) Yeas 100—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

HR 145 Co-Sponsor (Feb 17) Yeas 90—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Farmer, Feeley, Ford, Geveden, Graham, Gray, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Bather, Yea - p 1206

HJR 147 Pass (Feb 27) Yeas 91—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Gooch, Graham, Gray, Hall, Harmon, Harper, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Palumbo, Pasley, Pullin, Rand, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Geveden, Yea - p 1415; Bather, Yea - p 2691

HJR 150 Pass (Feb 20) Yeas 87—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Buckingham, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Ford, Geveden, Graham, Gray, Hall, Harmon, Harper, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Bather, Yea - p 1206

HR 151 Co-Sponsor (Feb 17) Yeas 96—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Ford, Geveden, Gooch, Graham, Gray, Hall, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Bather, Yea - p 1206

HR 154 Co-Sponsor (Feb 19) Yeas 83—R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Brinkman, Bruce, Buckingham, D Butler, D.D Butler, Callahan, Cherry, L. Clark, Coleman, Collins, Cornett, Couch, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Sims, A Smith, B Smith, Stacy, Stein, Stewart, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

HR 158 Co-Sponsor (Feb 17) Yeas 79—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Farmer, Feeley, Ford, Geveden, Graham, Gray, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Kerr, J. Lee, Lindsay, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Vincent, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Bather, Yea - p 1206

HCR 161 Pass (Mar 10) Yeas 85—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Belcher, Bratcher, Bruce, Burch, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Draud, Edmonds, Embry, Fischer, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Reinhardt, Richards, Riner, Siler, Simpson, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Yonts. **Nays 2**—Brinkman, Deweese.

HCR 172 Pass (Mar 12) Yeas 89—J. Adams, R. Adams, Adkins, A. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Couch, Crall, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Harmon, Harper, Haydon, Higdon, Hoffman, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Sims, A Smith, B Smith, Stacy, Stewart, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Weaver, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Crenshaw, Yea - p 2700; J. Arnold, Yea - p 2916

HR 174 Pass (Mar 10) Yeas 91—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Yonts. **Nays 0.**

Modifications: Higdon, Yea to Abstain - p 2700

HR 180 Co-Sponsor (Feb 27) Yeas 84—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, L. Clark, P. Clark, Coleman, Cornett, Couch, Crall, Crenshaw, Crimm, Denham, Deweese, Edmonds, Farmer, Feeley, Fischer, Ford, Graham, Gray, Hall, Harmon, Harper, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Palumbo, Pasley, Pullin, Rand, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Bather, Yea - p 2691

HCR 187 Pass (Mar 15) Yeas 93—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Jenkins, Kerr, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Horlander, Yea - p 2754; Walton, Yea, J. Lee, Yea - p 2916

HR 188 Pass (Mar 2) Yeas 98—R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

HR 189 Pass (Mar 10) Yeas 88—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Feeley, Fischer, Geveden, Gooch, Graham, Gray, Hall, Harmon, Haydon, Higdon, Hoffman, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rand, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Yonts. **Nays 0.**

HCR 190 Pass (Mar 5) Yeas 91—R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Brinkman, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Harmon, Harper, Higdon, Hoffman, Hoover, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: J. Adams, Yea; Bather, Yea; Horlander, Yea - p 2691

HJR 192 Pass (Mar 17) Yeas 98—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch,. Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Ford, Yea - p 2916

HCR 194 Pass (Mar 15) Yeas 93—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Jenkins, Kerr, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Horlander, Yea - p 2754; Walton, Yea, J. Lee, Yea - p 2916

HCR 198 Pass (Mar 12) Yeas 88—J. Adams, R. Adams, Adkins, A. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Couch, Crall, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Harmon, Harper, Haydon, Higdon, Hoffman, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Marcotte, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 1**—Lindsay.

Modifications: Crenshaw, Yea - p 2700; J. Arnold, Yea - p 2916

HR 200 Co-Sponsor (Mar 1) Yeas 94—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Richards, Riggs, Riner, Siler, Simpson, Sims, B Smith, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Bather, Yea - p 2691

HCR 202 Pass (Mar 8) Yeas 90—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Fischer, Ford, Geveden, Gooch, Graham, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Baugh, Yea - p 1871; Meeks, Yea - p 2308; Bather, Yea - p 2691

HCR 203 Pass (Mar 12) Yeas 87—J. Adams, R. Adams, Adkins, A. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Couch, Crall, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Harmon, Haydon, Higdon, Hoffman, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, T Thompson, J Thompson, Turner, Vincent, Walton, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 1**—Harper.

Modifications: Upchurch, Yea - p 2699; Crenshaw, Yea - p 2700

HCR 206 Pass (Mar 15) Yeas 94—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Jenkins, Kerr, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Horlander, Yea - p 2754; Walton, Yea, J. Lee, Yea - p 2916

HJR 207 Pass (Mar 12) Yeas 83—J. Adams, R. Adams, Adkins, A. Arnold, Ballard, Barrows, Bather, Baugh, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Couch, Crall, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Harmon, Harper, Haydon, Higdon, Hoffman, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Palumbo, Pasley, Pullin, Rader, Rand, Reinhardt, Richards, Riggs, Siler, Sims, A Smith, B Smith, Stacy, Stewart, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Weaver, Wilkey, Yonts. **Nays 0.**

Modifications: Crenshaw, Yea - p 2700; J. Arnold, Yea - p 2916

HR 208 Co-Sponsor (Mar 17) Yeas 91—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crenshaw, Crimm, Damron, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Siler, Simpson, Sims, A Smith, B Smith, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

HCR 210 Pass (Mar 12) Yeas 87—J. Adams, R. Adams, Adkins, A. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Harmon, Harper, Higdon, Hoffman, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nesler, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Horlander, Yea - p 2699; J. Arnold, Yea - p 2916

HJR 212 Pass (Mar 17) Yeas 94—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Ford, Yea - p 2916

HJR 214 Pass (Mar 12) Yeas 86—J. Adams, R. Adams, Adkins, A. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Couch, Crenshaw, Crimm, Damron, Denham, Deweese, Edmonds, Embry, Farmer, Feeley, Fischer, Geveden, Gooch, Graham, Gray, Harmon, Harper, Higdon, Hoffman, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nesler, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: J. Arnold, Yea - p 2916

HCR 215 Pass (Mar 12) Yeas 88—J. Adams, R. Adams, Adkins, A. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Comer, Couch, Crall, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Harmon, Harper, Haydon, Higdon, Hoffman, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, T Thompson, J Thompson; Turner, Upchurch, Vincent, Walton, Weaver, Webb, Westrom, Yonts. **Nays 0.**

Modifications: Crenshaw, Yea - p 2700; J. Arnold, Yea - p 2916

HJR 216 Pass (Mar 18) Yeas 89—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Pasley, Pullin, Rader, Rand, Reinhardt, Richards, Riggs, Riner, Siler, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Wilkey, Yonts. **Nays 0.**

Modifications: Gray, Yea, Webb, Yea - p 3243; Westrom, Yea - p 3334

HJR 218 Pass (Mar 16) Yeas 94—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Jenkins, Kerr, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Horlander, Yea -p 2754; Walton, Yea - p 2915; J. Lee, Yea, Barrows, Yea - p 2916

HR 219 Pass (Mar 15) Yeas 91—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, L. Clark, P. Clark, Coleman, Comer, Cornett, Couch, Crall, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Jenkins, Kerr, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Wayne, Weaver, Webb, Westrom, Yonts. **Nays 0.**

Modifications: Cherry, Yea - p 2709; Horlander, Yea - p 2754; J. Lee, Yea - p 2916

HCR 220 Pass (Mar 17) Yeas 95—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Webb, Yea - p 2916

HCR 223 Pass (Mar 18) Yeas 96—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Weaver, Webb, Wilkey, Yonts. **Nays 0.**

Modifications: Westrom, Yea - p 3334

HR 225 Pass (Mar 16) Yeas 88—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Horlander, Jenkins, Kerr, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Vincent, Weaver, Webb, Westrom, Yonts. **Nays 0.**

Modifications: Walton, Yea, Barrows, Yea - p 2915

HR 238 Co-Sponsor (Mar 11) Yeas 90—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, J. Lee, S. Lee, Lindsay, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Siler, Simpson, Sims, A Smith, B Smith, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Wayne, Weaver, Webb, Westrom, Yonts. **Nays 0.**

HR 239 Co-Sponsor (Mar 11) Yeas 93—J. Adams, R. Adams, Adkins, A. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Weaver, Webb, Westrom, Yonts. **Nays 0.**

HR 245 Co-Sponsor (Mar 16) Yeas 90—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Ford, Geveden, Gooch, Graham, Gray, Hall, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, Lindsay, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Walton, Yea - p 2916

HR 247 Co-Sponsor (Mar 16) Yeas 84—J. Adams, R. Adams, Adkins, A. Arnold, Ballard, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, D Butler, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Embry, Feeley, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, Lindsay, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Napier, Nelson, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Walton, Yea - p 2916

HR 251 Co-Sponsor (Mar 17) Yeas 99—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

HR 253 Co-Sponsor (Mar 19) Yeas 86—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Embry, Fischer, Ford, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nunn, Palumbo, Pasley, Pullin, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Walton, Wayne, Weaver, Webb, Wilkey. **Nays 0.**

HR 267 Co-Sponsor (Mar 26) Yeas 95—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Edmonds, Embry, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

HR 268 Co-Sponsor (Mar 25) Yeas 76—J. Adams, Adkins, Ballard, Baugh, Belcher, Bratcher, Brinkman, Bruce, Burch, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Deweese, Draud, Edmonds, Farmer, Fischer, Ford, Geveden, Gooch, Graham, Hall, Harmon, Harper, Haydon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Montell, Napier, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Siler, Sims, A Smith, B Smith, Stewart, Thomas, J Thompson, Turner, Vincent, Walton, Weaver, Westrom, Wilkey, Yonts. **Nays 0.**

HR 270 Co-Sponsor (Mar 25) Yeas 90—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Cornett, Couch, Crall, Crimm, Damron, Denham, Deweese, Edmonds, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Richards, Riggs, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Upchurch, Vincent, Walton, Wayne, Weaver, Westrom, Yonts. **Nays 0.**

HR 280 Co-Sponsor (Apr 13) Yeas 97—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

HR 284 Co-Sponsor (Apr 12) Yeas 89—J. Adams, Adkins, A. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Meade, Meeks, Miller, Moberly, Mobley, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Sims, A Smith, B Smith, Stewart, Thomas, T Thompson, J Thompson, Upchurch, Vincent, Walton, Wayne, Weaver, Westrom, Wilkey, Yonts. **Nays 0.**

SB 1 Consider Discharge Petition (Feb 20) Yeas 28—Ballard, Baugh, Bratcher, Brinkman, D.D Butler, Comer, Cornett, Crall, Crimm, Damron, Deweese, Ford, Gooch, Harmon, Harper, Higdon, Hoover, Kerr, S. Lee, Mobley, Montell, Napier, Rader, Reinhardt, Stewart, Turner, Upchurch, Walton. **Nays 44**—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Barrows, Belcher, Buckingham, D Butler, Callahan, Cherry, L. Clark, P. Clark, Collins, Couch, Crenshaw, Denham, Geveden, Graham, Gray, Hoffman, Horlander, Jenkins, J. Lee, Lindsay, Mckee, Meeks, Miller, Moberly, Nesler, Rand, Richards, Riggs, Riner, Simpson, Sims, A Smith, Stacy, Stein, Thomas, J Thompson, Wayne, Webb, Wilkey.

Modifications: B. Smith, Yea, Pullin, Yea, - p 955; Pasley, Yea - p 1206

SB 14 Pass (Mar 18) Yeas 96—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Wilkey, Yonts. **Nays 0.**

Modifications: Comer, Yea - p 3270

SB 16 Pass (Mar 29) Yeas 93—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Deweese, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Rader, Rand, Rasche, Reinhardt, Richards, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

SB 28 Pass (Mar 2) Yeas 98—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Westrom, Wilkey, Yonts. **Nays 0.**

SB 34 Adopt Floor Amendment No. 1 (Mar 23) Yeas 28—Adkins, Baugh, D.D Butler, Collins, Comer, Embry, Ford, Harmon, Harper, Higdon, Hoover, Kerr, S. Lee, Moberly, Mobley, Montell, Napier, Nesler, Rader, Reinhardt, Siler, Simpson, A Smith, Stewart, Turner, Upchurch, Vincent, Walton. **Nays 54**—A. Arnold, Barrows, Belcher, Brinkman, Bruce, Buckingham, Burch, D Butler, Callahan, L. Clark, P. Clark, Coleman, Cornett, Crall, Crenshaw, Crimm, Denham, Draud, Farmer, Feeley, Graham, Gray, Hall, Haydon, Horlander, Jenkins, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Nelson, Nunn, Palumbo, Pasley, Pullin, Rand, Richards, Riggs, Sims, B Smith, Stacy, Stein, Thomas, T Thompson, J Thompson, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts.

Modifications: Hoffman, Nay - p 4003

SB 34 Pass (Mar 23) Yeas 63—J. Adams, Ballard, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Comer, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Geveden, Gray, Harper, Haydon, Horlander, Jenkins, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Montell, Nunn, Palumbo, Pasley, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, B Smith, Stein, Thomas, T Thompson, J Thompson, Walton, Wayne, Westrom, Wilkey, Yonts. **Nays 32**—Adkins, A. Arnold, Barrows, Collins, Cornett, Couch, Crall, Ford, Gooch, Graham, Hall, Harmon, Higdon, Hoover, Kerr, Meade, Mobley, Napier, Nelson, Nesler, Pullin, Rader, Siler, Simpson, Sims, A Smith, Stacy, Stewart, Turner, Upchurch, Vincent, Weaver.

Modifications: Nesler, Nay to Yea - p 3334; Hoffman, Yea - p 4003; Webb, Yea - p 4053

SB 37 Pass (Mar 18) Yeas 94—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Cornett, Couch, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Wilkey, Yonts. **Nays 0.**

Modifications: Comer, Yea - p 3270; Westrom, Yea - p 3334

SB 40 Pass (Mar 26) Yeas 92—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Edmonds, Embry, Feeley, Fischer, Ford, Geveden, Graham, Gray, Harmon, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Webb, Yea - p 4053

SB 45 Pass (Mar 4) Yeas 92—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Baugh, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Barrows, Yea; Belcher, Yea - p 1704; Simpson, Yea - p 1705; Webb, Yea - p 1719; Bather, Yea - p 2691

SB 47 Pass (Mar 22) Yeas 87—J. Adams, Adkins, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Yonts. **Nays 0.**

Modifications: Damron, Yea, Webb, Yea - p 3275; Westrom, Yea - p 3334

SB 52 Pass (Apr 13) Yeas 93—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crenshaw, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Mckee, Meade, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 2**—Marzian, Meeks.

SB 55 Pass (Mar 29) Yeas 91—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crimm, Damron, Denham, Deweese, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rand, Rasche, Reinhardt, Richards, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 1**—Stein.

SB 63 Pass (Mar 23) Yeas 96—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Hoffman, Yea - p 4003

SB 75 motion (Mar 25) Yeas 89—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Farmer, Feeley, Fischer, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Westrom, Wilkey, Yonts. **Nays 3**—Baugh, Embry, Mobley.

Modifications: Webb, Yea - p 4053

SB 75 Pass (Mar 25) Yeas 97—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Westrom, Wilkey, Yonts. **Nays 0.**

SB 77 Pass (Mar 23) Yeas 94—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Higdon, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 1**—Barrows.

Modifications: Barrows, Nay to Yea - p 3334; Hoffman, Yea - p 4003

SB 79 Pass (Mar 18) Yeas 53—J. Adams, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Belcher, Bratcher, Bruce, Burch, D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Cornett, Crenshaw, Crimm, Deweese, Draud, Edmonds, Farmer, Feeley, Geveden, Gooch, Graham, Gray, Harper, Haydon, Higdon, Horlander, Jenkins, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Montell, Nunn, Palumbo, Rand, Reinhardt, Riggs, Riner, A Smith, Thomas, Wayne, Weaver, Wilkey, Yonts. **Nays 29**—Baugh, D.D Butler, Collins, Couch, Crall, Damron, Embry, Ford, Hall, Harmon, Hoffman, Kerr, J. Lee, S. Lee, Moberly, Napier, Nelson, Nesler, Pasley, Pullin, Richards, Sims, B Smith, Stacy, Stewart, Turner, Upchurch, Vincent, Walton.

Modifications: Webb, Nay, Montell, Yea to Nay - p 3243; Comer, Yea - p 3270; Westrom, Yea - p 3334; Adkins, Nay - p 4634

SB 80 Pass (Mar 18) Yeas 77—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Burch, D Butler, D.D Butler, Cherry, L. Clark, P. Clark, Coleman, Couch, Crall, Crimm, Damron, Deweese, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Harmon, Harper, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, Lindsay, Marzian, Mckee, Meade, Moberly, Mobley, Napier, Nesler, Nunn, Palumbo, Pasley, Pullin, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, Turner, Upchurch, Vincent, Wayne, Weaver, Webb, Wilkey, Yonts. **Nays 12**—Bather, Callahan, Crenshaw, Denham, Draud, Hall, S. Lee, Meeks, Nelson, Stein, J Thompson, Walton.

Modifications: Wilkey, Yea - p 3275; Westrom, Yea - p 3334

SB 83 Pass (Mar 18) Yeas 87—J. Adams, Adkins, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Weaver, Wilkey, Yonts. **Nays 1**—Wayne.

Modifications: Thomas, Yea, Webb, Yea - p 3243; Comer, Yea - p 3270; Westrom, Yea - p 3334

SB 85 Pass (Mar 25) Yeas 88—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Bather, Belcher, Bratcher, Brinkman, Buckingham, Burch, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Embry, Farmer, Feeley, Fischer, Geveden, Gooch, Graham, Gray, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Webb, Yea - p 4053

SB 86 Pass (Mar 29) Yeas 93—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Rader, Rand, Rasche, Reinhardt, Richards, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

SB 92 Pass (Mar 22) Yeas 88—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Hall, Harmon, Harper, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Wilkey, Yonts. **Nays 0.**

Modifications: Damron, Yea, Webb, Yea - p 3275; Westrom, Yea - p 3334

SB 95 Adopt Committee Amendment No. 1 (Mar 29) Yeas 13—Burch, L. Clark, Coleman, Cornett, Crenshaw, Haydon, Jenkins, Marzian, Meeks, Riner, Stein, Wayne, Weaver. **Nays 74**—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Baugh, Belcher, Bratcher, Bruce, Buckingham, D Butler, D.D Butler, Cherry, P. Clark, Collins, Comer, Couch, Crall, Crimm, Damron, Denham, Edmonds, Embry, Farmer, Fischer, Ford, Geveden, Gooch, Graham, Gray, Harmon, Harper, Higdon, Hoffman, Hoover, Horlander, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Mckee, Meade, Miller, Moberly, Montell, Napier, Nelson, Nesler, Nunn, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Webb, Wilkey, Yonts.

Modifications: Westrom, Nay - p 4634

SB 95 Adopt Floor Amendment No. 4 (Mar 29) Yeas 15—Bather, Brinkman, Burch, Coleman, Crenshaw, Deweese, Graham, Jenkins, Marcotte, Marzian, Meeks, Palumbo, Riner, Stein, Wayne. **Nays 77**—J. Adams, Adkins, A. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Bruce, Buckingham, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Collins, Comer, Cornett, Couch, Crimm, Damron, Denham, Edmonds, Embry, Feeley, Fischer, Ford, Geveden, Gooch, Gray, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Kerr, J. Lee, S. Lee, Lindsay, Mckee, Meade, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Weaver, Webb, Wilkey, Yonts.

Modifications: Westrom, Nay - p 4634

SB 95 Pass (Mar 29) Yeas 77—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Bruce, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Collins, Comer, Cornett, Couch, Crall, Crimm, Damron, Denham, Embry, Farmer, Fischer, Ford, Geveden, Gooch, Gray, Harmon, Harper, Higdon, Hoffman, Hoover, Horlander, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Mckee, Meade, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 17**—Bather, Brinkman, Buckingham, Burch, Coleman, Crenshaw, Feeley, Graham, Haydon, Jenkins, Marzian, Meeks, Nunn, Palumbo, Riner, Stein, Wayne.

SB 96 Pass (Mar 26) Yeas 88—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crimm, Damron, Denham, Edmonds, Embry, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Harmon, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Wilkey. **Nays 1**—Nunn.

Modifications: Westrom, Yea - p 4634

SB 100 Pass (Apr 12) Yeas 62—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Belcher, Bruce, Buckingham, Burch, D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Crenshaw, Damron, Denham, Edmonds, Geveden, Gooch, Graham, Gray, Hall, Hoffman, Horlander, Jenkins, J. Lee, Lindsay, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Nelson, Nesler, Palumbo, Pasley, Pullin, Rand, Rasche, Richards, Riggs, Riner, Simpson, Sims, A Smith, Stacy, Stein, Thomas, T Thompson, J Thompson, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

SB 100 motion (Apr 12) Yeas 61—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Belcher, Bruce, Buckingham, Burch, D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Crall, Crenshaw, Damron, Denham, Edmonds, Gooch, Graham, Gray, Hall, Hoffman, Horlander, Jenkins, J. Lee, Lindsay, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Nelson, Nesler, Palumbo, Pasley, Pullin, Rand, Rasche, Richards, Riggs, Riner, Simpson, Sims, A Smith, Stacy, Stein, Thomas, T Thompson, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 1**—Feeley.

SB 109 Pass (Mar 25) Yeas 92—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Bather, Baugh, Belcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Nelson, Nesler, Nunn, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Westrom, Wilkey, Yonts. **Nays 2**—Lindsay, Palumbo.

Modifications: Webb, Yea - p 4053

SB 111 Pass (Mar 25) Yeas 96—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Walton, Wayne, Weaver, Westrom, Wilkey, Yonts. **Nays 1**—Vincent.

SB 111 Final Passage (Mar 29) Yeas 88—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Bather, Baugh, Belcher, Bratcher, Brinkman, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Gray, Harmon, Harper, Haydon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riner, Siler, Simpson, A Smith, B Smith, Stacy, Stewart, T Thompson, J Thompson, Turner, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Yonts. **Nays 0.**

Modifications: Webb, Yea - p 4053

SB 115 Pass (Mar 23) Yeas 95—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Higdon, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Hoffman, Yea - p 4003

SB 118 Pass (Mar 9) Yeas 100—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

SB 122 Pass (Mar 18) Yeas 83—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Cornett, Couch, Crenshaw, Crimm, Damron, Denham, Deweese, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Marcotte, Mckee, Meade, Meeks, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Wayne, Weaver, Webb, Yonts. **Nays 1**—Nunn.

Modifications: Comer, Yea - p 3270; Wilkey, Yea - p 3275; Westrom, Yea - p 3334

SB 124 Pass (Mar 19) Yeas 89—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Gooch, Graham, Gray, Hall, Harper, Haydon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Wilkey. **Nays 0.**

Modifications: Webb, Yea, Harmon, Yea - p 3270; Yonts, Yea, Geveden, Yea - p 3275; Westrom, Yea - p 3334

SB 132 Pass (Mar 18) Yeas 89—J. Adams, Adkins, A. Arnold, J. Arnold, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, L. Clark, P. Clark, Coleman, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Wilkey, Yonts. **Nays 0.**

Modifications: Ballard, Yea - p 3243; Comer, Yea - p 3270; Westrom, Yea - p 3334

SB 133 Pass (Mar 29) Yeas 91—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crimm, Damron, Denham, Deweese, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Westrom, Wilkey, Yonts. **Nays 0.**

SB 138 Pass (Mar 25) Yeas 94—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D.D Butler, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Callahan, Yea; Webb, Yea - p 4053

SB 142 Pass (Mar 29) Yeas 92—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crimm, Damron, Deweese, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Westrom, Yea - p 3334

SB 143 Pass (Mar 25) Yeas 91—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Westrom, Yonts. **Nays 1**—Simpson.

Modifications: Webb, Yea - p 4053

SB 145 Pass (Mar 29) Yeas 87—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Couch, Crall, Crimm, Damron, Deweese, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gray, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riner, Siler, Simpson, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Westrom, Wilkey, Yonts. **Nays 0.**

SB 146 Pass (Mar 22) Yeas 89—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Hall, Harmon, Harper, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Wilkey, Yonts. **Nays 0.**

Modifications: Barrows, Yea, Damron, Yea, Webb, Yea - p 3275; Westrom, Yea - p 3334

SB 156 Pass (Apr 12) Yeas 69—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Belcher, Brinkman, Bruce, Buckingham, Burch, D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Crenshaw, Damron, Draud, Edmonds, Embry, Feeley, Geveden, Gooch, Graham, Gray, Harper, Haydon, Hoffman, Horlander, Jenkins, Kerr, J. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Nesler, Nunn, Palumbo, Pasley, Pullin, Rand, Rasche, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, Stacy, Stein, Thomas, T Thompson, J Thompson, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 25**—Baugh, Bratcher, D.D Butler, Comer, Cornett, Couch, Denham, Farmer, Fischer, Ford, Hall, Harmon, Higdon, Hoover, S. Lee, Mobley, Montell, Napier, Rader, Reinhardt, B Smith, Stewart, Turner, Upchurch, Vincent.

SB 163 Pass (Apr 13) Yeas 93—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Mckee, Meade, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 1**—Graham.

SB 171 Pass (Mar 23) Yeas 95—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Hoffman, Yea - p 4003

SB 177 Pass (Mar 19) Yeas 89—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Wilkey. **Nays 0.**

Modifications: Yonts, Yea, Geveden, Yea - 3275

SB 181 Pass (Mar 18) Yeas 92—J. Adams, Adkins, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Wayne, Weaver, Wilkey, Yonts. **Nays 0.**

Modifications: Webb, Yea - p 3243; Stacy, Yea - p 3270; Comer, Yea - p 3270

SB 184 Pass (Mar 26) Yeas 94—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crimm, Damron, Denham, Deweese, Edmonds, Embry, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Wilkey, Yonts. **Nays 0.**

Modifications: Westrom, Yea - p 4634

SB 189 Pass (Mar 29) Yeas 87—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D.D Butler, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Gray, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riner, Siler, Simpson, Sims, A Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

SB 195 Pass (Mar 29) Yeas 92—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Westrom, Wilkey, Yonts. **Nays 0.**

SB 197 Pass (Mar 25) Yeas 95—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Reinhardt, Richards, Riggs, Riner, Siler, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Westrom, Wilkey, Yonts. **Nays 1**—Simpson.

Modifications: Webb, Yea - p 4053

SB 200 Pass (Mar 22) Yeas 87—J. Adams, Adkins, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Gooch, Graham, Gray, Hall, Harmon, Harper, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Wilkey, Yonts. **Nays 0.**

Modifications: Damron, Yea, Webb, Yea - p 3275; Westrom, Yea - p 3334

SB 203 Pass (Mar 18) Yeas 92—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Wilkey, Yonts. **Nays 0.**

Modifications: Ballard, Yea - p 3243; Comer, Yea - p 3270; Westrom, Yea - p 3334

SB 206 Pass (Mar 23) Yeas 90—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Hall, Harmon, Harper, Haydon, Horlander, Jenkins, Kerr, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Hoffman, Yea - p 4003; Webb, Yea - p 4053

SB 209 Pass (Mar 29) Yeas 92—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Gray, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

SB 219 Pass (Mar 25) Yeas 98—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Webb, Yea - p 4053

SB 222 Pass (Mar 19) Yeas 91—J. Adams, Adkins, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Wilkey. **Nays 0.**

Modifications: Stacy, Yea, Webb, Yea - p 3270; Yonts, Yea, Geveden, Yea - p 3275; Westrom, Yea - p 3334

SB 224 Pass (Mar 18) Yeas 89—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Mckee, Meade, Meeks, Miller, Moberly, Montell, Nelson, Nesler, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Wilkey, Yonts. **Nays 0.**

Modifications: Comer, Yea - p 3270; Westrom, Yea - p 3334

SB 225 Pass (Mar 26) Yeas 91—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Edmonds, Embry, Feeley, Fischer, Ford, Geveden, Graham, Gray, Harmon, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Webb, Yea - p 4053; Westrom, Yea - p 4634

SB 228 Pass (Apr 13) Yeas 93—Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crenshaw, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

SB 231 Pass (Mar 29) Yeas 93—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Edmonds, Embry, Farmer, Fischer, Ford, Geveden, Gooch, Graham, Gray, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

SB 244 Pass (Mar 19) Yeas 92—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Wilkey. **Nays 0.**

Modifications: Yonts, Yea, Geveden, Yea - p 3275; Westrom, Yea - p 3334

SB 245 Appeal Ruling of the Chair on Discharge Petition (Mar 23) Yeas 48—J. Adams, Adkins, A. Arnold, J. Arnold, Barrows, Belcher, Bruce, Buckingham, Burch, D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Crenshaw, Denham, Edmonds, Geveden, Graham, Gray, Horlander, Jenkins, J. Lee, Lindsay, Marzian, Mckee, Meeks, Miller, Moberly, Nelson, Nesler, Palumbo, Rasche, Richards, Simpson, Sims, A Smith, Stacy, Stein, Thomas, J Thompson, Wayne, Webb, Westrom, Wilkey, Yonts. **Nays 42**—Baugh, Bratcher, Brinkman, D.D Butler, Comer, Cornett, Couch, Crall, Crimm, Damron, Deweese, Draud, Embry, Farmer, Feeley, Fischer, Ford, Gooch, Hall, Harmon, Harper, Higdon, Hoover, Kerr, S. Lee, Marcotte, Mobley, Montell, Napier, Pasley, Rader, Reinhardt, Riner, Siler, B Smith, Stewart, T Thompson, Turner, Upchurch, Vincent, Walton, Weaver.

Modifications: Westrom, Yea - p 4634

SB 245 Appeal Ruling of the Chair on RollCall Vote (Mar 23) Yeas 51—J. Adams, Adkins, A. Arnold, J. Arnold, Barrows, Belcher, Bruce, Buckingham, Burch, D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Crenshaw, Denham, Edmonds, Geveden, Graham, Gray, Horlander, Jenkins, J. Lee, Lindsay, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Nelson, Nesler, Palumbo, Pasley, Pullin, Rand, Rasche, Richards, Simpson, A Smith, Stacy, Stein, Thomas, J Thompson, Wayne, Webb, Westrom, Wilkey, Yonts. **Nays 42**—Ballard, Baugh, Bratcher, Brinkman, D.D Butler, Comer, Cornett, Couch, Crall, Crimm, Damron, Deweese, Draud, Embry, Farmer, Feeley, Fischer, Ford, Hall, Harmon, Harper, Higdon, Hoover, Kerr, S. Lee, Marcotte, Mobley, Montell, Napier, Rader, Reinhardt, Riner, Siler, Sims, B Smith, Stewart, T Thompson, Turner, Upchurch, Vincent, Walton, Weaver.

SB 245 Adopt House Committee Substitute No. 1 (Mar 26) Yeas 58—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Belcher, Bruce, Buckingham, Burch, D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Crenshaw, Damron, Denham, Geveden, Gooch, Graham, Gray, Haydon, Hoffman, Horlander, Jenkins, J. Lee, Lindsay, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Nesler, Palumbo, Pasley, Pullin, Rand, Richards, Riggs, Simpson, Sims, A Smith, Stacy, Stein, Thomas, T Thompson, J Thompson, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 37**—Baugh, Bratcher, Brinkman, D.D Butler, Comer, Cornett, Couch, Crall, Crimm, Deweese, Edmonds, Embry, Feeley, Fischer, Ford, Harmon, Harper, Higdon, Hoover, Kerr, S. Lee, Marcotte, Mobley, Montell, Napier, Nelson, Nunn, Rader, Reinhardt, Riner, Siler, B Smith, Stewart, Turner, Upchurch, Vincent, Walton.

SB 245 Previous Question (Mar 26) Yeas 56—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Belcher, Bruce, Buckingham, Burch, D Butler, Callahan, Cherry, L. Clark, P. Clark, Collins, Crenshaw, Denham, Edmonds, Geveden, Gooch, Graham, Gray, Haydon, Hoffman, Horlander, Jenkins, Lindsay, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Nesler, Palumbo, Pasley, Pullin, Rand, Rasche, Richards, Riggs, Simpson, Sims, A Smith, Stacy, Stein, Thomas, J Thompson, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 36**—Baugh, Bratcher, Brinkman, D.D Butler, Comer, Cornett, Couch, Crall, Crimm, Deweese, Embry, Feeley, Fischer, Ford, Harmon, Harper, Higdon, Hoover, Kerr, S. Lee, Marcotte, Mobley, Montell, Napier, Nelson, Nunn, Rader, Reinhardt, Riner, Siler, B Smith, Stewart, Turner, Upchurch, Vincent, Walton.

SB 245 Pass (Mar 26) Yeas 55—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Belcher, Bruce, Buckingham, Burch, D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Damron, Denham, Edmonds, Geveden, Gooch, Gray, Haydon, Hoffman, Horlander, J. Lee, Lindsay, Mckee, Meade, Miller, Moberly, Nelson, Nesler, Nunn, Pasley, Pullin, Rand, Rasche, Richards, Riggs, Riner, Simpson, Sims, A Smith, Stacy, Thomas, T Thompson, J Thompson, Vincent, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 10**—Bather, Crenshaw, Feeley, Graham, Jenkins, Marzian, Meeks, Palumbo, Stein, Wayne.

SB 245 Motion to Reconsider Passage (Apr 12) Yeas 79—J. Adams, Adkins, A. Arnold, Ballard, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Fischer, Ford, Geveden, Gooch, Gray, Hall, Harmon, Harper, Higdon, Hoffman, Hoover, Horlander, Kerr, J. Lee, S. Lee, Marcotte, Mckee, Meade, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Weaver, Yonts. **Nays 8**—Bather, Crenshaw, Jenkins, Marzian, Meeks, Palumbo, Stein, Wayne.

SB 245 Adopt Floor Amendment No. 5 (Apr 12) Yeas 83—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Collins, Comer, Cornett, Couch, Crall, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Fischer, Ford, Geveden, Gooch, Gray, Hall, Harmon, Harper, Higdon, Hoffman, Hoover, Horlander, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Mckee, Meade, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 11**—Bather, Coleman, Crenshaw, Feeley, Graham, Jenkins, Marzian, Meeks, Palumbo, Stein, Wayne.

SB 245 Previous Question (Apr 12) Yeas 78—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Collins, Comer, Cornett, Couch, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Fischer, Geveden, Gooch, Gray, Hall, Harmon, Harper, Higdon, Hoffman, Hoover, Horlander, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Mckee, Meade, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Weaver, Wilkey, Yonts. **Nays 10**—Bather, Crall, Crenshaw, Jenkins, Marzian, Meeks, Palumbo, Riner, Stein, Wayne.

SB 245 Pass (Apr 12) Yeas 85—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Collins, Comer, Cornett, Couch, Crall, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Fischer, Ford, Geveden, Gooch, Gray, Hall, Harmon, Harper, Higdon, Hoffman, Hoover, Horlander, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Mckee, Meade, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 11**—Bather, Coleman, Crenshaw, Feeley, Graham, Jenkins, Marzian, Meeks, Palumbo, Stein, Wayne.

SB 246 Pass (Mar 26) Yeas 86—J. Adams, Adkins, A. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crenshaw, Crimm, Damron, Denham, Deweese, Edmonds, Embry, Feeley, Fischer, Ford, Geveden, Graham, Gray, Harmon, Harper, Haydon, Higdon, Hoffman, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Walton, Wayne, Weaver, Webb, Wilkey, Yonts. **Nays 5**—Crall, Hoover, Lindsay, Simpson, Vincent.

Modifications: Webb, Yea - p 4053; Westron, Yea - p 4634

SB 247 Pass (Apr 13) Yeas 93—J. Adams, Adkins, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crenshaw, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Gray, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

SB 248 Pass (Mar 17) Yeas 91—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Belcher, Bratcher, Brinkman, Bruce, Buckingham, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, Lindsay, Marcotte, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Vincent, Walton, Wayne, Weaver, Webb, Wilkey, Yonts. **Nays 0.**

Modifications: Baugh, Yea - p 2915; Westrom, Yea - p 3334

SB 251 Suspend the Rules to Consider Floor Amendment No. 4 (Apr 12) Yeas 57—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Bather, Belcher, Bruce, Buckingham, Burch, D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Crenshaw, Damron, Denham, Edmonds, Gooch, Graham, Gray, Hall, Hoffman, Horlander, Jenkins, J. Lee, Lindsay, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Nelson, Nesler, Palumbo, Pasley, Pullin, Rand, Rasche, Riggs, Riner, Simpson, A Smith, Stacy, Stein, Thomas, T Thompson, J Thompson, Wayne, Weaver, Westrom, Wilkey, Yonts. **Nays 0.**

SB 251 Pass (Apr 12) Yeas 60—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Belcher, Bruce, Buckingham, Burch, D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Crenshaw, Edmonds, Geveden, Gooch, Graham, Gray, Hall, Hoffman, Horlander, Jenkins, J. Lee, Lindsay, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Nelson, Nesler, Palumbo, Pasley, Pullin, Rand, Rasche, Richards, Riggs, Riner, Simpson, Sims, A Smith, Stacy, Stein, Thomas, T Thompson, J Thompson, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 34**—Baugh, Bratcher, Brinkman, D.D Butler, Comer, Cornett, Couch, Crall, Denham, Deweese, Draud, Embry, Farmer, Feeley, Fischer, Ford, Harmon, Harper, Higdon, Hoover, Kerr, S. Lee, Marcotte, Mobley, Montell, Rader, Reinhardt, Siler, B Smith, Stewart, Turner, Upchurch, Vincent, Walton.

SB 266 Pass (Mar 29) Yeas 80—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Brinkman, Bruce, Burch, D Butler, D.D Butler, Callahan, L. Clark, P. Clark, Coleman, Collins, Comer, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Edmonds, Embry, Farmer, Feeley, Fischer, Gooch, Graham, Gray, Harmon, Harper, Haydon, Higdon, Hoffman, Horlander, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nunn, Palumbo, Pasley, Pullin, Rader, Rasche, Richards, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Wilkey, Yonts. **Nays 12**—Bratcher, Buckingham, Cherry, Deweese, Ford, Geveden, Hoover, Jenkins, Nesler, Rand, Reinhardt, Westrom.

SB 273 Pass (Mar 26) Yeas 88—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Edmonds, Embry, Feeley, Fischer, Ford, Geveden, Graham, Gray, Harmon, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Wilkey, Yonts. **Nays 0.**

Modifications: Webb, Yea - p 4053; Westrom , Yea - p 4634

SJR 3 Pass (Mar 25) Yeas 93—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Weaver, Westrom, Wilkey, Yonts. **Nays 2**—Marzian, Stein.

Modifications: Palumbo, Yea to Nay - p 4003; Webb, Yea - p 4053

SJR 80 Pass (Mar 23) Yeas 96—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Hall, Harmon, Harper, Haydon, Higdon, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Modifications: Hoffman, Yea - p 4003

SJR 83 Pass (Mar 29) Yeas 91—Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

SCR 93 Pass (Mar 18) Yeas 93—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Wilkey, Yonts. **Nays 0.**

Modifications: Webb, Yea - p 3243; Westrom, Yea - p 3334

SJR 148 Pass (Mar 29) Yeas 91—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Harmon, Harper, Haydon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

SJR 156 Pass (Mar 29) Yeas 91—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Richards, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

SCR 233 Pass (Mar 29) Yeas 65—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Buckingham, Burch, D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Crenshaw, Damron, Denham, Draud, Edmonds, Embry, Geveden, Gooch, Graham, Gray, Harper, Higdon, Hoffman, Horlander, Jenkins, Kerr, J. Lee, Lindsay, Marzian, Mckee, Meade, Miller, Moberly, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Simpson, Sims, A Smith, Stacy, Stewart, Thomas, T Thompson, J Thompson, Turner, Vincent, Wayne, Weaver, Webb, Yonts. **Nays 24**—Bratcher, Brinkman, D.D Butler, Comer, Cornett, Couch, Crall, Crimm, Deweese, Farmer, Feeley, Fischer, Ford, Harmon, Hoover, S. Lee, Marcotte, Meeks, Mobley, Montell, Napier, B Smith, Upchurch, Walton.

Legislative Citation No. 5 Co-Sponsor (Jan 14) Yeas 95—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Legislative Citation No. 45 Co-Sponsor (Feb 19) Yeas 92—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Cornett, Couch, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Vincent, Walton, Wayne, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Legislative Citation No. 58 Co-Sponsor (Feb 27) Yeas 86—J. Adams, R. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Comer, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Gray, Hall, Harmon, Harper, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Palumbo, Pasley, Pullin, Rand, Reinhardt, Richards, Riner, Siler, Simpson, Sims, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Legislative Citation No. 74 Co-Sponsor (Mar 11) Yeas 95—J. Adams, R. Adams, Adkins, A. Arnold, Ballard, Barrows, Bather, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Comer, Cornett, Couch, Crall, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Yonts. **Nays 0.**

Legislative Citation No. 98 Co-Sponsor (Mar 24) Yeas 97—J. Adams, Adkins, A. Arnold, J. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Bruce, Buckingham, Burch, D Butler, D.D Butler, Callahan, Cherry, L. Clark, P. Clark, Coleman, Collins, Cornett, Couch, Crall, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Geveden, Gooch, Graham, Gray, Hall, Harmon, Harper, Haydon, Higdon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Riggs, Riner, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wayne, Weaver, Webb, Westrom, Wilkey, Yonts. **Nays 0.**

Legislative Citation No. 109 Co-Sponsor (Mar 25) Yeas 83—J. Adams, Adkins, A. Arnold, Ballard, Barrows, Baugh, Belcher, Bratcher, Brinkman, Buckingham, Burch, D.D Butler, Callahan, L. Clark, Coleman, Collins, Comer, Cornett, Couch, Crenshaw, Crimm, Damron, Denham, Deweese, Draud, Edmonds, Embry, Farmer, Feeley, Fischer, Ford, Gooch, Gray, Hall, Harmon, Harper, Haydon, Hoffman, Hoover, Horlander, Jenkins, Kerr, J. Lee, S. Lee, Lindsay, Marcotte, Marzian, Mckee, Meade, Meeks, Miller, Moberly, Mobley, Montell, Napier, Nelson, Nesler, Nunn, Palumbo, Pasley, Pullin, Rader, Rand, Rasche, Reinhardt, Richards, Siler, Simpson, Sims, A Smith, B Smith, Stacy, Stein, Stewart, Thomas, T Thompson, J Thompson, Turner, Upchurch, Vincent, Walton, Wilkey, Yonts. **Nays 0.**

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Aircraft Maintenance Technician Day, May 24 - HCR 60
Airport
 boards, limits on contract performance - HB 331
 boards, officers, employees, and responders, immunity and liability for - HB 379
 Zoning commission, expand authority to include certain private airports - HB 404: SFA(3)
 Zoning Commission, expand authority to include certain private airports - SB 142
Aviation Commission, creation of, clarify compensation and duties of members - HB 326: HCS
Capital City Airport, rename John "Russell" Groves Capital City Airport - HB 392
Kentucky Aeronautics Commission, creation of - HB 326
Local
 Air Boards, allow Internet advertisement for bids - HB 629
 airport authorities, exempt from deed reporting requirements - HB 331: SCS

Aged Persons and Aging

Abuse, reporting, attorney and clergy privilege relating to - HB 105: HFA(1)
Adult abuse and exploitation - HB 105: SCS
Civil rights, preemption of field by state - HB 659
Commission on Elder Abuse, creation of - HB 315
Continuing
 care retirement community nursing home beds, extension of sunset clause - HB 59: SCA(1)
 care retirement community, independent living unit, options to include at least one - SB 153: HFA(7); SB 186: HFA (3)
 care retirement community, nursing home bed sunset clause, extension - HB 59: HCS
 care retirement community, nursing home bed sunset clause, removal of - HB 59
Definitions, technical clarification - HB 105: SFA(1)
Disease management, Medicaid, implementation of - HB 267
Elder maltreatment, protective services for victims of - HB 105; HB 105: HCS, HFA (2)
Federal tax, urge exclusion for retirees - HCR 161; HCR 161: HFA (1)
Grandparents needs, Health and Welfare Committee study of - HCR 78: SCS
Grandparents, legislative task force on raising grandchildren by - HCR 78
Guardianship, affidavits and assessments, permit advance registered nurse practitioner to submit - HB 266
Health care decisions, persons authorized - HB 67
Home
 and community-based waiver, eligibility for - SB 189: HFA(1)
 and community-based waiver, prohibit exclusions from - SB 40: HFA(4)
Homestead
 exemption, lower age to 62 - HB 285
 exemption, stacking for joint marital residence - HB 122
Jury service, deferment for primary caregivers - SB 251: HFA(3)

Aged Persons and Aging Continued

Long-term
 care facility inspections, penalty for prior notification of - HB 159
 care ombudsman program, funding of full-time positions for - HB 529
 care ombudsman, area development district, full-time position for - HB 590
 care staffing committee, nursing staff requirements developed by - HB 158
Medicaid
 estate recovery, undue hardship exemptions from - SB 40: HFA(7); SB 153: HFA (5)
 nonemergency transportation, eligibility for - HB 600
 prescription drug dispensing fee study, repeal of - SB 16
Medicaid,
 consumer-directed program for - HB 116: SCS
 consumer-directed services program, allocation of funds - HB 116: HCS
 consumer-directed services program, creation of - HB 116
 consumer-directed services program, services and supports in - HB 116: HFA(1)
 estate recovery, exemptions from - HB 580
 estate recovery, requirements for - HB 580: HCS
 PACE, implementation of - SB 186
 personal needs allowance, increase of - HB 383
 temporarily suspend hearings and program policy changes for - HB 337
Minimum wage & overtime provisions, exempt individuals who provide companionship services - SB 45
Overtime exemption, in-home companionship services provided by a third party - SB 45: SCS, HCS
Parental interference, civil remedy and crime for - HB 606
Personal and family care homes, waiver to - HB 575
Psychiatric treatment, hospitalization not to exceed 14 days - HB 67

Agriculture

Ag Development Board, urge use of creative loan methods - HCR 187: HCS
Agricultural
 credit associations, taxation of - HB 292: SCA(1), SFA (1), HFA (1)
 Development Board confirmation, Sam Lawson - HCR 27
 Development Board, confirmation, Sid Stewart - HCR 26
 Development Board, urge lowering of applicants' contribution requirements - HCR 187
Agritourism highway signs, mandate Transportation Cabinet to promote usage of - HJR 43
Agritourism,
 liability, protection from - HB 444
 purpose, clarification of - HB 444: HFA(1)
Anhydrous ammonia storage areas, fence required - HB 41
Animal
 euthanasia, restrictions on - HB 441: SFA(4)
 identification program, funding, request for - SCR 93: HCA(1)
 shelter standards, strengthening of - HB 336: HFA(4)
Aquaculture Task Force, reauthorization of - HJR 218
Beef cattle, assessment, increase of - HB 286
Bovine referendum, assessment, levy of - HB 286: HFA(1)
Breathitt Diagnostic Lab, decrease funds by $100,000 each fiscal year - HB 395: SCA(9)
Cats, rabies, vaccination for - HB 336: HFA(1)
Cattle identification program, funding for - HB 395: SCA(20)
Confirmation of reappointment, Agricultural Development Board - HCR 35, 36
Congressional delegation, request assistance for food animal tracking - SCR 93
Criminal mischief, cattle within scope of offense - HB 264: SFA(2), HCS
Cruelty to animals, pecuniary loss of $1,000 or more - HB 264
Department of Agriculture, reorganization of - SB 77: HCA(1)
Dog
 law, revision of - SB 133: HCS; HB 336: HCS, HFA (5)

Agriculture Continued

laws, revision of - HB 336
Dogs,
 euthanasia, prohibition of - HB 336: HFA(4)
 euthanasia, prohibition of gunshot - HB 336: HFA(6)
Egg packs and cartons, labeling, expiration date - HB 283; HB 283: HCS
Farm
 equipment, retail contracts - HB 305; HB 305: HCS
 products, hauling without a permit, conform to provisions for hauling building materials - HB 34
Farmland, nonfarm use - HB 281
Feral cats, rabies, vaccination of - HB 336: HFA(7)
Horse Farming Task Force, creation of - HCR 220
Horses, activities of - HB 404: HCS, HFA (1)
Kentucky
 Agricultural Finance Corporation, broaden loan purposes - SB 146
 FFA Association, recognize 2003-2004 state officers of - HR 131
Livestock,
 sabotage - HB 264: SCS
 tampering - HB 264: SCS
 tampering and sabotaging, prohibition of - SB 209: HFA(1); HB 264: FCCR
Local ordinances affecting farm equipment, void - SB 129
Methamphetamine, possession of chemical or equipment to manufacture - HB 24
Pest
 Plant Board, creation of - HB 127
 Plant Board, exclude agricultural crops - HB 127: HFA(2),(3)
 Plant Board, exclude agronomic crops - HB 127: HFA(1)
 plant board, require report to LRC, no regulatory authority - HB 127: HCS
Planning and zoning, agricultural use, set parameters for equine uses - SB 156: HFA(2); HB 404: SFA (2),(5)
Pork assessment referendum, authority for - HB 287
Public
 hearings on transmission line extensions, require consideration of effect on farms - SB 246: HFA(2); HB 639: HFA (1)
 hunting, cooperator permits - SB 209: SCS
Rabies vaccination requirement, cats and ferrets, removal from - HB 336: HFA(2)
Reorganization, Department of Agriculture, Executive Order 04-01 - SB 77; SB 77: SCS
Sales
 and use tax exemption, equine industry - HB 377
 tax exemption for horses under 2 years - HB 345
 tax exemption for straw, wood shavings, and sawdust - HB 57
Tobacco
 quota buyout, state income tax, exemption from - HB 97: FCCR
 Task Force, reauthorization - HCR 203; HCR 203: HFA (1)
Tobacco,
 carry-forward quota adjustment, suspension of - HCR 87
 nonparticipating manufacturer - HB 58; HB 97: SFA (1)
 nonparticipating manufacturers, escrow payment, requirements for - HB 97: FCCR
Wild or exotic animals, rabies, testing for - HB 336: HFA(8)
Wildlife management, liability - SB 209: SFA(1)

Alcoholic Beverages

- Alcoholic
  - beverage wholesalers, allow purchase credit to retailers, limit 30 days for - SB 79: SCS
  - beverages omnibus bill - HB 466
- Appropriation clause, inclusion of - HB 157: HCS
- Board-ordered training permitted, supplement or suspension alternative - HB 466
- Brain injury services, increase in DUI service fee used for - HB 157
- Caterer's license, limited restaurant license, applicability to - HB 466
- Distilled
  - spirits and wine, adoption of federal standards of fill for - HB 362: HCS
  - spirits and wine, federal standards of fill, compliance with - SB 79: HFA(1)
  - spirits and wine, Sunday sales at private clubs, ordinance for - HB 598
- DUI service fee, increase and allocation of - HB 157: SCS(1)
- DUI, persons under 21 - HB 431
- Licensed farm and small wineries, prohibited from selling beer - HB 70
- Local
  - government-imposed regulatory license fees, permissible use of - HB 252
  - option election - HB 208: SCS
  - option elections coinciding with general elections, time frame for conducting - SB 154: HFA(6)
  - option elections, procedures for - HB 381
- Malt
  - beverage brewers and importers, agreements with distributors requirements of - HB 362: SCS(2)
  - beverage brewers and importers, agreements with wholesalers and distributors requirements of - HB 362: SCS(1)
- National fraternal society, special private club license for - HB 597
- Private club alcoholic beverage sales, Sunday sales permitted, exception to - HB 598: HFA(1)
- Small and farm wineries, Sunday sales permitted - HB 239
- Sunday alcoholic beverage sales at private clubs, ordinance required - HB 598: HCS
- Time of election - HB 208: SFA(1)
- Wholesalers and retailers, minimum quantities of distilled spirits in containers kept or sold by - HB 362; HB 362: SCA (1)
- Wholesalers, allow purchase credit to retailers, limit 20 days for - SB 79

Alcoholism

- Brain injury services, increase in DUI service fee used for - HB 157
- DUI, persons under 21 - HB 431
- Justice and Public Safety Cabinet, reorganization of - SB 155
- Substance abuse, involuntary treatment, procedure for - HB 77; HB 67: SFA (1)

Amusements and Recreation

- Agritourism, liability, protection from - HB 444
- Boxing and wrestling matches, regulation of - HB 126
- Charitable gaming license, two-year residency requirement imposed - HB 426
- Electronic
  - gaming at race tracks, part of state lottery, appropriations - HB 46
  - gaming at race tracks, part of state lottery, omnibus bill - HB 45
- Facilities, gambling, authorize at horse racing tracks and other locations - HB 676
- Highway signs to promote lakes area of West Ky, require - HB 191
- Local event tickets, county fiscal court surcharges on - HB 586
- Recreational vehicles, clarify permissible appurtenances - HB 365
- Simulcasting, international wagering hub, establishment and regulation of - HB 693; HB 708: SCS

Animals, Livestock, and Poultry

Animal
 shelter, euthanasia at - HB 336: HFA(3)
 shelters, euthanasia, prohibited method - HB 264: SFA(1)
Aquaculture Task Force, reauthorization of - HJR 218
Beef cattle, assessment, increase of - HB 286
Bovine referendum, assessment, levy of - HB 286: HFA(1)
Breathitt Diagnostic Lab, decrease funds by $100,000 each fiscal year - HB 395: SCA(9)
Cats, rabies, vaccination for - HB 336: HFA(1)
Cattle identification program, funding for - HB 395: SCA(20)
Cervids, new permits for captive cervids, shooting preserves - HB 468
Congressional delegation, request assistance for food animal tracking - SCR 93
Criminal mischief, cattle within scope of offense - HB 264: SFA(2), HCS, FCCR
Cruelty to animals, pecuniary loss of $1,000 or more - HB 264; HB 264: FCCR
Dog
 law, revision of - SB 133: HCS; HB 336: HCS, HFA (5)
 laws, revision of - HB 336
Dogs,
 euthanasia, prohibition of - HB 336: HFA(4)
 euthanasia, prohibition of gunshot - HB 336: HFA(6)
Euthanasia, restrictions on - HB 441: SFA(4)
Feral cats, rabies, vaccination of - HB 336: HFA(7)
Horse Farming Task Force, creation of - HCR 220
Horses, activities of - HB 404: HCS, HFA (1)
Hunting dogs, hunters may retrieve from private lands - HB 512: HCS
Identification program, funding, request for - SCR 93: HCA(1)
Include various horse-related activities as agricultural uses for zoning - HB 404
Kentucky Walking Horse Association, create special license plate for - HB 699
KY Quarter Horse Association, special license plate for - HB 533
Livestock tampering, prohibition - HB 264: SCS
Planning and zoning, agricultural use, set parameters for equine uses - SB 156: HFA(2); HB 404: SFA (2),(5)
Pork assessment referendum, authority for - HB 287
Rabies vaccination requirement, cats and ferrets, removal from - HB 336: HFA(2)
Reintroduced animal species, urge protection of - HR 244
Shelter standards, strengthening of - HB 336: HFA(4)
Tampering
 and sabotaging, prohibition of - SB 209: HFA(1)
 or sabotaging, prohibition of - HB 264: FCCR
Wild or exotic animals, rabies, testing for - HB 336: HFA(8)

Annexation

Cities of 2nd through 6th class, enlargement or reduction of territory across county lines by city - HB 294
Cities, boundary changes, mapping requirements - HB 619: HFA(1)
City annexation, notification of intent to annex - HB 682
Map requirement for cities wishing to annex property - HB 619

Appropriations

Appropriation clause, inclusion of - HB 157: HCS
Aquaculture Task Force - HJR 218
Breast
 cancer education and research fund - HB 52
 cancer research fund - SB 97
Breathitt Diagnostic Lab, decrease funds by $100,000 each fiscal year - HB 395: SCA(9)
Budget bill, effect on existing statutes - HB 240

Appropriations Continued

Casino gaming, regulation of - HB 637
Cigarette surtax, funding for Medicaid, local government, and SEEK - HB 310
Claims bill - HB 569
Coalbed methane well plugging fund - HB 556
Compulsive gamblers assistance fund, funding mechanism, creation of - HB 144
Court
 costs - counties without police departments - HB 413: HFA(7)
 costs - for local government public safety - HB 413: HFA(6),(8)
 costs, additional fees for local police departments - HB 413
Economic Development Bonds, funding for FY 2005-2006 debt service - HB 395: HFA(38)
Election
 expenses, reimbursement for - HB 209: HCS
 expenses, reimbursement of - HB 210
Electronic gaming at race tracks, part of state lottery - HB 46
Firefighters foundation program fund, training-related activities - HB 435
HVAC permitting process, borrowing from agency trust fund for - HB 497
Increased traffic penalties, support drivers' education - HB 356
Judicial
 Branch Budget Bill - HB 396: HCS
 Branch Budget Memorandum - HJR 104
 Branch Budget, appropriation of - HB 396; HB 396: SCS
Juror pay increase, appropriation for in Judicial Branch budget - HB 500
Kentucky
 Asset/Liability Commission, duties of - HB 418
 Teachers' Retirement System - HB 553
Lead poisoning, prevention of - HB 349
Legislative
 Branch Budget Memorandum - HJR 105
 Branch Budget Memorandum, attachment of - HJR 105: SCS
 Branch Budget, appropriation of - HB 397
Lexington Community College - HJR 214
Livingston County Courthouse project, remove - HB 396: SCA(1)
Medicaid, disease management, funding for - HB 267
Motor vehicle registration supplement fund, creation of - HB 348
Payments to county clerks, increase in - HB 211
Power, vested solely in General Assembly - HB 615; SB 245: HCS
Powers of General Assembly - SB 89: HFA(1)
Prevailing wage, exemption for - HB 395: HFA(4),(5),(6),(7),(8),(9)
Public
 health, Medicaid funding for - HB 395: HFA(14)
 Service Student Loan Program - HB 483
PVA administration fund, creation of - HB 339
Rowan County Courthouse project, remove - HB 396: SCA(3)
Sexual abuse, medical examinations - SB 138
Special EMS license plates, establish - SB 193
State/Executive
 Branch Budget Bill, appropriation of - SB 100: HCS; HB 395: HCS, CCR
 Branch Budget Bill, omnibus technical revisions - HB 395: HFA(1)
 Branch Budget Memorandum - HJR 103
 Branch Budget, appropriation of - HB 395; HB 395: SCS
Trigg County Courthouse project, remove - HB 396: SCA(2)

Arbitration

Consumer contracts, Internet, jurisdiction for adjudication of claims - HB 523: HFA(1)
Medical malpractice, legislative authority regarding - SB 1: SFA(1)

Architects

Construction services contract, indemnification clause - HB 231
Interior designers, grandfather licensing provision, extension of - SB 132; HB 175

Archives and Records

DNA, collection, any felony - HB 119
Methods of destroying records, require reasonable only - HB 140: HCA(1)
Military discharge papers, release and destruction of - HB 225: SFA(1)
Open
 Records Law, delete exception to - HB 188: SFA(2)
 Records law, exception to - HB 188: SFA(1)
 Records Law, exceptions to - SB 55: HFA(4); HB 188: SCS
Vital
 records, access of personal representative and decedent creditor to - HB 100: HCS
 records, permit an elected official on behalf of a constituent to obtain - HB 100: HFA(1)
 records, security of - HB 100; HB 100: SCS

Area Development Districts

Children's psychiatric treatment facilities, location and beds - HB 90; HB 90: HCS, HFA (1)
Employees, working as industrial recruiters - HB 62: HFA(1)
Homeland security funding, reporting requirements - SB 55
Long-term care ombudsman, full-time position for - HB 590

Arts and Crafts

Arts organizations, apply Open Meetings and Open Records Law - HB 188: SCS
Support the Arts, create a special license plate for - SB 202

Associations

Boxing, contractual obligations, promoter's duty to comply - HB 712
Business records, personal privacy, protection of - HB 140; HB 140: HFA (1)
Corporations, technical corrections - HB 256
General and limited partnerships, uniform laws on - HB 190
Kentucky Cattleman's Association, beef cattle assessment - HB 286
Limited liability company, series, special purpose, and nonprofit, authorization for - HB 221
National fraternal society, special private club alcohol license for - HB 597
Pork assessment referendum, authority for - HB 287

Athletics

Boxing and wrestling, health and safety rules imposed - HB 126: HCS(2)
Boxing, health and safety conditions, regulations governing - HB 126
Cooperative football teams, study of - HB 631: HCS
Interscholastic football program, cooperative agreement for - HB 631
Local Air Boards, allow Internet advertisement for bids - HB 629
School sponsored sports events, participation in - HB 229
Waste tire trust fund, portion of funds to crumb rubber used on athletic fields - HB 301

Attorney General

Capitol Restoration Trust Fund, Attorney General added as adviser and report recipient - HB 535: HCS
Cemeteries, contracts for burial space, human and animal remains, separation of - HB 198
Change title to "AN ACT relating to controlled substances" - SB 163: HCA(1)
Child
 abuse or neglect causing fatality or near fatality, report of - HB 671: HCS
 abuse or neglect, fatality or near fatality, report of - HB 671
Constitutional
 challenges, defend - SB 245: HCS
 challenges, party defendant - HB 615
Consumer
 protection, price gouging during an emergency, prohibit - HB 471: HCS
 protection, price gouging during an emergency, prohibition - HB 471
 protection, price gouging, prohibit - HB 471: SCS
Credit cards, prosecution of unlawful acts relating to - HB 324: HCS
Death
 penalty for persons aged 16 or 17 - HB 395: HFA(15)
 penalty, abolition of - HB 88
Doctors and dentists, new prescription drug protocols, office develop continuing education for - HB 151
Execution
 of person sentenced to death - HB 395: HFA(17),(18)
 of persons aged 16 or 17 - HB 395: HFA(16)
Felony murder - SB 25
Fuel marketing, allow AG to investigate unfair competition - HB 296
Gasoline, investigate pricing of - HR 276
Methamphetamine, direct Justice Cabinet to establish a work group to study problem in Commonwealth - HB 424; SB 155: HCA (2)
Open
 meetings and open records information, dissemination to local governments and school districts - HB 263: HCS
 meetings/open records information, preparation and distribution to local governments - HB 263
Private property, governmental actions affecting - HB 581
Prosecution of unlawful acts relating to credit cards - HB 324
Public records, exemption for records creating vulnerability to terrorist acts - HB 188: HCS
Shock probation, limits, appeals - HB 407; HB 407: HCS
State/Executive Branch Budget Memorandum - HJR 103
Title company, licensing of - HB 612
Unsolicited commercial electronic mail communications, prohibition of - HB 64

Attorney, Commonwealth's

Asset forfeiture funds, disbursement of - HB 477
Change title to "AN ACT relating to controlled substances" - SB 163: HCA(1)
Commission on Elder Abuse, membership of - HB 315
Concealed weapon, carrying in detention facility - HB 18
Death penalty, abolition of - HB 88
Definitions, technical clarification - HB 105: SFA(1)
Driving under the influence, substances other than alcohol - HB 536
Elder abuse, reports of and duties relating to - HB 105; HB 105: HFA (2)
Execution
 of person sentenced to death - HB 395: HFA(17),(18)

 of persons aged 16 or 17 - HB 395: HFA(16)
Expungement
 of records, Class D felony/misdemeanors - HB 371
 of records, Class D felony/Misdemeanors - HB 371: HFA(1)

Attorney, Commonwealth's Continued

Felony murder - SB 25
KASPER, request on behalf of law enforcement related to - SB 14: HFA(3)
Manslaughter in the first degree technical corrections - HB 257
Sexual offenses, lack of consent, technical correction - HB 245
Shock probation, limits, appeals - HB 407; HB 407: HCS

Attorney, County

Certificates
 of delinquency, interest attaches to fees on - SB 204
 of delinquency, interest on fees - HB 510: SFA(1)
Commission on Elder Abuse, membership of - HB 315
Concealed weapon, carrying in detention facility - HB 18
County
 detectives appointed by county attorneys, powers and training of - HB 703: HFA(1)
 detectives, give power of arrest in county and right to execute process statewide - HB 703
Definitions, technical clarification - HB 105: SFA(1)
Domestic violence petitioners, county attorney may represent - HB 138
Elder abuse, reports of and duties relating to - HB 105; HB 105: HFA (2)
KASPER, request on behalf of law enforcement related to - SB 14: HFA(3)
Manslaughter in the first degree technical corrections - HB 257
Sexual offenses, lack of consent, technical correction - HB 245
Shock probation, limits, appeals - HB 407; HB 407: HCS
Tax, delinquent property, collection, county attorney fee for litigation - HB 498

Attorneys

Affidavits,
 title to real estate - HB 291
 title to real property - HB 291: HCS
Attorney licensing, make provisions for GA members to become licensed attorneys - SB 34: HFA(2); SB 206: HFA (1)
Civil actions by public employees, statute of limitations extended - HB 308
Competency hearings, permit trial by court without a jury during - HB 22; HB 22: HFA (1)
Contingent fee agreements, limitation on - HB 450: HFA(2)
County law libraries, alternate funding system for - HB 544
Death penalty, abolition of - HB 88
Driving under the influence, substances other than alcohol - HB 536
Elder abuse, reporting, privilege relating to - HB 105: HFA(1)
Felony murder - SB 25
General
 and limited partnerships, uniform laws on - HB 190
 Assembly members, sit for and pass state bar examination, admitted to practice of law - SB 163: HFA(1); SB 219: HFA (2)
 Assembly members, sit for and pass state bar examination, granted license to practice law - SB 148: HFA(2)
Inappropriate sexual conduct in the presence of a minor, establish offense of - HB 367
Limited
 liability company act, amendments to - HB 221
Manslaughter in the first degree technical corrections - HB 257
Medical
 malpractice actions - HB 450
 malpractice, mediation - HB 450: HFA(5)
 malpractice, screening panels - HB 450: HCS

Attorneys Continued

negligence actions - SB 1: SFA(3),(4),(8)
Nonbinding alternative dispute resolution system and trial by jury, provide for - SB 1: SFA(5),(6),(9)
One year internship - HB 401
Permit jailer to sell legal advertising space in county jail to attorneys - HB 307
Personal injury, premises liability actions - HB 620
Public Service Student Loan Program - HB 483
Rule against perpetuities, abolishment - HB 42
Rules of evidence, amendments - HB 314
Sexual offenses, lack of consent, technical correction - HB 245
Termination of parental rights, appointment of appellate counsel - HB 23
Vital records, access of personal representative and decedent creditor to - HB 100: HCS

Auditor of Public Accounts

Claims bill - HB 569
State agency debt collection procedures, review in annual audit - HB 162
State/Executive Branch Budget Memorandum - HJR 103

Bankruptcy

Homestead exemption, increase - HB 463

Banks and Financial Institutions

Branches, restrictions on interstate merger - HB 319
Business records, personal privacy, protection of - HB 140; HB 140: HFA (1)
Certificate
of deposit, best available rate - SB 225
of deposit, interest - SB 225: SCA(1)
Consumer loans, maximum interest - HB 215
Corporate license tax, deduction for - HB 352
Credit
card limit reduction, notice required - HB 481
card solicitations on college campuses, regulation of - HB 63
cards - HB 324; HB 324: HCS
Elder financial exploitation, procedures regarding - HB 105; HB 105: HFA (2)
High-cost
home loans, limitations on - HB 707
home loans, single premium credit insurance - HB 471: SFA(1)
Individual development accounts - HB 268
ITW fix - HB 292: SCS
Kentucky Principal and Income Act, adoption of - HB 517: HCS
Motor vehicle installment sales contract, statute of limitations - SB 72: SFA(1)
Rule against perpetuities, abolishment - HB 42
Student credit card regulation - HB 130
Title company, licensing of - HB 612

Barbers and Cosmetologists

Barber
schools, minimum pupil/teacher ratio - HB 327
shop license holder, nonliability for actions of independent contractor - HB 200
Continuing
education, product-specific courses permitted, criteria established - HB 441: SFA(2)
education, specific and brand-name products, credit given for - HB 134
Cosmetologists' and nail technicians' licensing fees, increases in - HB 408
Cosmetologists and nail technicians, independent contractor defined - HB 200: HFA(1)

Barbers and Cosmetologists Continued

Cosmetology
 fees and charges, maximum amount to be charged - HB 441: SFA(3)
 fees, administrative regulations, establishment of - HB 441: SCA(1)
Independent contractors, statutory violations, liability for - HB 200: HCS
License holders, fees, requirements, and duties of - HB 437

Blind or Deaf Persons

Access to newspapers using a telephone, Accessible Electronic Information Service Program to provide - HB 262: HFA(1)
Accessible
 electronic information for, nonprofit entity providing - HB 262
 Electronic Information Service Program, radio technology - HB 262: HFA(2)
Commission on the Deaf and Hard of Hearing, special license plate for - SB 18
Employment,
 study a Medicaid buy-in program to support - SB 16: HFA(1); SB 17: HFA (1); SB 40: HFA (1); SB 186: HFA (1)
 study and implement a Medicaid buy-in program to support - HB 60; SB 45: HFA (1)
Local exchange telecommunications company customers, periodic surcharges rendered to - HB 262: HCS
Superintendents of the Kentucky Schools for the Blind and the Deaf, appointment of - HJR 153

Boats and Boating

Handicapped boaters, access at state marinas - HB 393: HFA(1)
State-owned marinas, designation of a boating access area for handicapped required - HB 393

Bonds of Surety

Guardians and conservators, no surety on bond required if restricted account - HB 679
Performance bonds, increase limitations on - HB 405

Bonds, Public

Economic Development Bonds, funding for FY 2005-2006 debt service - HB 395: HFA(38)
Kentucky Agricultural Finance Corporation, broaden loan purposes - SB 146
Local governments, exempt from insurance premium tax on bonds issued by the local government - HB 19
Postsecondary institutions, debt issuance by - HB 489; SB 96: HFA (1)

Budget and Financial Administration

Annual report to Kentucky taxpayers - HB 49
Budget bill, effect on existing statutes - HB 240
Capital
 Construction and Contingency Account, use of for agency moving expenses - HB 279
 Project for Greenup County - HB 395: SCA(21)
 renewal account for state facilities, creation of - HB 280
Capitol
 Restoration Trust Fund, Attorney General added as adviser and report recipient - HB 535: HCS
 restoration trust fund, established - HB 535
 Restoration Trust Fund, prohibit display of contributor's name or symbol - HB 535: HFA(1)
Cigarette tax increase, smokeless, loose, and other tobacco, impose tax - HB 107
Claims bill - HB 569
Coal
 Severance Tax Project in Harlan County - HB 395: SCA(22)
 Severance Tax Project in Pike and Letcher Counties - HB 395: SCA(23)
Community services and local facilities - HB 395: HFA(36)
Debt collection, make provisions for forgivable loan agreements - HB 162: HFA(2)
Debts owed to the state due to error, fraud, or abuse, collection of - SB 228

Budget and Financial Administration Continued

Department of Education, contribution for school board insurance adjustment fee - HB 11; HB 11: SFA (1)
Drug court sites - HB 395: HFA(34),(35)
Economic
 Development Bonds, funding for FY 2005-2006 debt service - HB 395: HFA(38)
 Development Bonds, restore debt service funding - HB 395: HFA(28),(37)
Employer contribution to state pension, urge full funding - HR 185
Establish systems for the collection of debts - SB 228: SCS
Even-year legislative session, extension of - HB 364
Executive Budget Bill, make technical corrections to - HB 395: HFA(39)
Federal
 Lab Recruitment, provide funds from Department of Corrections to support - HB 395: HFA(27)
 Lab Recruitment, provide funds from Legislative Branch to support - HB 395: HFA(33)
Judicial
 Branch Budget Bill - HB 396: HCS
 Branch Budget Memorandum - HJR 104
 Branch Budget Memorandum, attachment of - HJR 104: SCS
 Branch Budget, appropriation of - HB 396; HB 396: SCS
Kentucky
 Asset/Liability Commission, duties of - HB 418
 Economic Development Finance Authority, restore funds to - HB 395: HFA(26),(29)
 Procurement Advisory Council, collect data on offshore outsourcing - HB 640: HCS
 Retirement Systems, board to set budget for pension administration - HB 519
Legislative
 Branch Budget Memorandum - HJR 105
 Branch Budget Memorandum, attachment of - HJR 105: SCS
 Branch Budget, appropriation of - HB 397
 Research Commission and General Assembly, lapse of carryforward - HB 397: HFA(1)
Lincoln County Sewer Project - HB 395: SCA(12)
Liquidated debts - collection by Revenue Cabinet - HB 162: HCS
Prevailing wage, exemption for - HB 395: HFA(4),(5),(6),(7),(8),(9)
Public
 funds, prohibition from use for abortion-related education or counseling - HB 32
 health, Medicaid funding for - HB 395: HFA(14)
Remove legislative cost-of-living increase - SB 100: HCA(1)
Reorganization, Finance and Administration Cabinet - SB 152
State
 agencies, constitutional taking - SB 89; SB 89: SCS
 budget director, preparation of annual report to Kentucky taxpayers - HB 49
 Capitol, Capitol Restoration Trust Fund, addition of Secretary of State as advisor on - HB 535: HFA(1)
State/Executive
 Branch Budget Bill, appropriation of - SB 100: HCS; HB 395: HCS, CCR
 Branch Budget Bill, omnibus technical revisions - HB 395: HFA(1)
 Branch Budget Memorandum - HJR 103
 Branch Budget, appropriation of - HB 395; HB 395: SCS

Campaign Finance

Campaign contributions, recoupment if candidate switches parties - HB 484
Campaign contributions, study of - HB 484: HFA(1),(2)
Candidate
 for General Assembly, require filing of - HB 50: HFA(1)
 information, redaction of - HB 50: HCS
 loans and postelection contributions, limits on - HB 670; HB 670: HCS
Contributions, recoupment of - HB 484: HCS
Federal offices, exclusion of - HB 50: HCS

Campaign Finance Continued

Gubernatorial campaign finance, requirements for - HB 538
Political advertising, regulation of - HB 446; HB 446: HCS
Public financing for gubernatorial slates, repeal of - HB 344: SCS

Capital Construction

Bonding, accelerated - HB 395: HFA(31)
Capital
 construction - HB 395: HFA(40),(41),(42),(43)
 Construction and Contingency Account, use of for agency moving expenses - HB 279
 renewal account for state facilities, creation of - HB 280
Capitol
 Restoration Trust Fund, Attorney General added as adviser and report recipient - HB 535: HCS
 restoration trust fund, established - HB 535
 Restoration Trust Fund, prohibit display of contributor's name or symbol - HB 535: HFA(1)
Economic Development Bonds, funding for FY 2005-2006 debt service - HB 395: HFA(38)
Postsecondary institutions, debt issuance by - HB 489; SB 96: HFA (1)
Prevailing wage, exemption for - HB 395: HFA(4),(5),(6),(7),(8),(9)
Research Challenge Trust Fund, diversity in Recruitment and Retention - HB 395: SCA(10)
State/Executive
 Branch Budget Bill, appropriation of - SB 100: HCS; HB 395: HCS, CCR
 Branch Budget Bill, omnibus technical revisions - HB 395: HFA(1)
 Branch Budget, appropriation of - HB 395; HB 395: SCS

Cemeteries and Burials

Cemeteries,
 contracts for burial space, human and animal remains, separation of - HB 198
 on-site record keeping, owners required to - HB 559
 on-site recordkeeping, owners required to - HB 559: HCS
Embalmers and funeral directors, licensing requirements for - SB 143; SB 143: HFA (1)
Human
 remains and burial objects, archaeological sites, require access permit - HB 560: HCS
 remains and burial objects, archaeological sites, require access permit for - HB 560
Use of as contemplative walking paths - HB 404: SFA(1)

Charitable Organizations and Institutions

Charitable
 gaming gross receipts, partial funding for compulsive gamblers, requirement for - HB 144
 gaming, omnibus changes - HB 705
 gaming, two-year residency requirement imposed - HB 426
 health care provider, amend definition of - HB 321: HCS
Dental care, access to - HB 321
Faith-based and nonprofit organizations, Governor's office, create - HB 487
Kentucky Colonels, create special license plate for - SB 87
National fraternal society, special private club alcohol license for - HB 597
Provision of social services, government funding for - HB 487
Sales and use taxes, refund for - HB 346
Social workers, certification or licensure requirements for - HB 160: HCS
Sunday alcoholic beverage sales at private clubs, ordinance required - HB 598: HCS

Children and Minors

"Code Adam," state buildings, implementation in - HB 251: HCS
Abuse
 or neglect causing fatality or near fatality, report of - HB 671; HB 671: HCS

Children and Minors Continued

or neglect investigations, information on de facto custodian status to be provided - HB 248
Adoption records, release of - SB 75: HFA(2)
Adoption, records, release of - SB 75: HFA(1)
Alcoholic Beverage Control, forfeited property, disposition of - HB 587
All-terrain
 vehicles, injury prevention, educational program - HB 576
 vehicles, no person under age 16 shall operate - HB 155; HB 132: HFA (1); HB 146: HFA (1); HB 261: HFA (2); HB 301: HFA (1); HB 324: HFA (2)
 vehicles, require to be at least 12 years of age to operate - HB 478
Anaphylactic
 medications in school - SB 15
 medications, allow students in schools to selfadminister - HB 90: SFA(7)
Bicycle helmets, require for all persons age sixteen - HB 142
Breast-feeding, encouragement of - HB 646
Bullying, definition of - HB 540: HFA(6),(7)
Child
 booster seats, require and make violations a primary offense - HB 93
 pornography, make possession of a Class D felony for first offense - HB 366
 pornography, penalty for possession - HB 312
 pornography, penalty increases - HB 265
 sex abuse, change statute of limitations - HB 302
 support, emancipation - HB 269: HCA(1)
 support, emancipation of physically or mentally incapacitated - HB 269
 support, update guidelines table - HB 75
Cloning of humans, prohibition of - HB 171
Commission
 for a Healthy Kentucky, reduction of injury, goal of - SB 179: HCS
 for Healthy Kentucky, creation of - SB 179
Compulsory
 school age, six to eighteen - HB 38
 school attendance, ages six to eighteen - HB 39
 school attendance, exemption from - HB 10: HCA(1)
Controlled
 substance endangerment to a child - SB 163; SB 163: HFA (1),(3)
 substance, endangerment to a child - SB 163: SCS, SFA (1), HCS (1),(2)
Court appointed special advocates, provisions relating to - HB 189
Credit card solicitations on college campuses, regulation of - HB 63
Crimes
 by students, notification to school districts - SB 52: SFA(2)
 by students, notification to school districts, disposal of records - SB 52: SFA(3)
Daycare, buildings, radon mitigation in - HB 145: HCS
Death penalty for juveniles, elimination of - HB 475
Destructive research on human embryo, prohibit - HB 170
Disabilities, recommendations on transition to adult systems, establish committees - HB 322: SFA(1)
Disability, definition of - HB 81: HFA(1)
Divorce, abolishment of - HB 574
Domestic violence petitioners, county attorney may represent - HB 138
Dropout rate, inclusion in - HB 178: HCS
DUI, persons under 21 - HB 431
Education of expelled students, provision for - HB 224
Exemption from compulsory school attendance for home or hospital placement - HB 10
Expelled students, educational services for - HB 656
Fetal
 homicide - SB 4; SB 4: SFA (3)
 homicide, creation of crime - HB 108: HCS

Children and Minors Continued
homicide, crime and penalty enhancement for - HB 108
homicide, crime of - HB 3; HB 108: HFA (3),(4)
homicide, exclude stem cell research - SB 4: SFA(1)
Foreign
adoption, Kentucky recognition of - SB 38: SCS
judgments of adoption, recognition of - SB 38
Foster care, asset forfeiture funds, disbursement of - HB 477
Friedreich's Ataxia, third Saturday in May recognized as - HR 110
Gifted and talented students, opportunities for - HR 100
Graduated
drivers license, changes in passenger restrictions - HB 85: HFA(1)
driver's license, expand program - HB 85
Grandparents needs, Health and Welfare Committee study of - HCR 78: SCS
Grandparents, legislative task force on raising grandchildren by - HCR 78
Health
and Family Services Cabinet, creation of - SB 153
services provided to, parent or guardian notified when - HB 13
Homelessness prevention, foster care discharge pilot project for - HB 376
Homelessness, prevention, voluntary foster care discharge pilot project for - HB 376: HCS
Human trafficking, study of - HCR 210
Immunizations, reporting of - SB 184
Inappropriate sexual conduct in the presence of a minor, establish offense of - HB 367
Indecent exposure - SB 145; SB 145: SFA (1),(2), HCS
Individual student health care plans, schools, requirements for - HB 217
Injury to pregnant woman, penalties, exemptions - HB 108: HFA(5)
Internet, pornographic content - HCR 112
Interstate compact for juveniles - HB 6; HB 6: HCS, HFA (1)
Jury service, deferment for primary caregivers - SB 251: HFA(3)
Kentucky
early intervention system, assessment and evaluation procedures - HB 260: HCS, HFA (1)
Early Intervention System, assessment and evaluation procedures - HB 260
Early Intervention System, make correction and addition to - SB 115: HFA(1)
Lead poisoning, prevention of - HB 349
Lost and missing, "Code Adam" Program - HB 251
Marriage, judicial bypass procedure for pregnant minors - HB 146
Mental health/mental retardation commissions, child to adult services, establish ad hoc committee - HB 322: SFA(3)
Myositis Awareness Day, September 21 of each year recognized as - HB 74
Nonprescription contact lenses, prohibit sale to - HB 233
No-pass, no-drive provisions, clarify provisions relating to home schooled children - HB 304: HCS
Notification
of certain alleged crimes - SB 52: HFA(6); SB 138: HFA (1)
of certain alleged crimes, school principal - SB 52
Obscenity-based
business, abatement of - HB 124
enterprise, abatement of - HB 520
Parental interference, civil remedy and crime for - HB 606
Permanent placement, foster care and adoption - HB 300
Physical activity in schools daily - HB 207
Pilot
program for residential services for sibling group, establish - HB 98: HFA(1)
program for residential services for sibling groups, establish - HB 98
program for residential services for sibling groups, requirement for - HB 98: HCS
Placement for adoption, restrictions on - HB 358, 661
Psychiatric

Children and Minors Continued

treatment facilities, location and beds - HB 90; HB 90: HCS, HFA (1)
treatment facilities, requirements for expansion of - HB 90: SCS
School
accountability, students included - HB 176
accountability, students included in dropout rate - HB 177, 178
bus specifications, Kentucky Board of Education to set - SB 124
dropout rate, student inclusion in - HB 178: HFA(1)
floor level assignment for early grades - HB 81: HCS
foods, restrictions on sale of - SB 179: HFA(2)
zones, double fines for speeding in, clarify procedures to - HB 350: HFA(1)
Schools,
beverages, requirements for sale of healthy - HB 261
beverages, sale of - HB 261: HFA(1)
competitive food, create definition of - HB 148: HFA(3),(4)
competitive foods, definition of - HB 148: HFA(1),(2)
foods, requirements for sale of healthy - HB 148, 218; HB 148: HCS
Sex
offender registration, not always required for unlawful transaction with minor - HB 410
offender registration, not required for unlawful transaction with minor - HB 161: SFA(3); HB 410: HFA (1)
offenders, prohibit from school grounds - HB 303; HB 303: HCS (1),(2)
Sexual
abuse, medical examinations, payments for - SB 138; SB 138: SCS
abuse, penalty increase for specified conduct - HB 354
Assault Awareness Month, declare March as - HR 175
offender information, distribution of - HB 247
offenses against minors, increase penalty for attempt or solicitation - SB 102
offenses, charge stacking - SB 102: HCS
offenses, penalty enhancement - HB 223
offenses, using communications device to procure a minor - SB 102: SCS
Shared parenting time, adjust child support for - HB 76; HB 76: HCS
State
autism center, consultation and training by - HB 496
Interagency Council, add members - SB 188; HB 322
Student
bullying, protection from - HB 540: HCS, HFA (5),(8),(9),(10),(11)
harassment, intimidation, or bullying, protection from - HB 540
Support of dependents, crime of nonsupport - HB 363
Task Force on Trafficking in Persons, membership of, report deadline - HCR 210: HCS
Teenage drinking and driving, study of - HJR 211
Termination of parental rights, appointment of appellate counsel - HB 23
Theft of services, child care - HB 469
Uniform Child Custody Jurisdiction Act, update of - HB 91

Circuit Clerks

Adoption records, release of - SB 75: HFA(2)
Adoption, records, release of - SB 75: HFA(1)
Driver's
license applicant, verifying information, make referral to Trans Cab by clerk permissive - HB 562: HFA(1)
licenses & I.D. cards, omnibus revision of issuance to non US citizens - HB 562
Expungement
of records, Class D felony/misdemeanors - HB 371
of records, Class D felony/Misdemeanors - HB 371: HFA(1)
Graduate driver's license for teenagers, apply for - HB 85

Circuit Clerks Continued

Identification cards for volunteer firefighters - HB 20
Lists of treatment programs and hospitals, regional community mental health boards to provide - HB 77; HB 67: SFA (1)
Operator's
 license, questioned documentation, require written reasons for - HB 562: HFA(2)
Social Security number, protection from public disclosure in domestic relations cases - HB 445
Special license plate for KY Quarter Horse Association - HB 533
Volunteer firefighter ID program - HB 20: HCS

Cities

Abandoned
 urban property, allow all cities to levy tax on - HB 373: HCS
 urban property, allow cities of the second class to levy tax on - HB 373
Adjustment fee for unescorted retirees - HB 11: HCS
Airport
 boards, limits on contract performance - HB 331
 boards, officers, employees, and responders, immunity and liability for - HB 379
Annexation, map requirement - HB 619
Asset forfeiture funds, disbursement of - HB 477
Board of directors for sanitary and storm water systems, powers and duties of - SB 197: SCS
Boundary changes, mapping requirements - HB 619: HFA(1)
Building inspectors, prohibitions placed on - HB 147
Buildings, radon mitigation in - HB 145: HCS
Cellular telephones, purchase and operation for emergency services personnel - HB 180
Cemeteries, use of as contemplative walking paths - HB 404: SFA(1)
CERS, retirees, increase in benefits - HB 528
Children, lost and missing, "Code Adam" Program - HB 251
Cities of 2nd through 6th class, enlargement or reduction of territory across county lines by city - HB 294
City annexation, notification of intent to annex - HB 682
Civil rights, preemption of field by state - HB 659
Code
 enforcement boards, hearing officers for - HB 668: HFA(1)
 enforcement boards, service of citations - HB 143, 668
Communications,
 wireless - HB 226: HCS
 wireless public safety systems - HB 226
Confiscated
 firearms, disposition of for firearms or equipment - SB 83: HFA(1)
 firearms, may be exchanged - SB 83: HFA(2)
Construction permit for repairing existing structures crossing streams, exempt local government from - HB 179
County Employees Retirement System, retiree raises - HB 278
Court
 costs - counties without police departments - HB 413: HFA(7)
 costs - funds for sheriffs in counties without cities - HB 413: HFA(1)
 costs - local government public safety funding - HB 413: HFA(6),(8)
 costs fees, allocation to counties - HB 413: SFA(3)
 costs, additional fees for local police departments - HB 413
 costs, increased, disposition of - HB 413: SFA(2)
Death benefit payments for city police and firefighters - HB 566
Delinquent
 property taxes, collection costs - HB 421
 taxes - fees and certificates of delinquency - HB 510: HFA(1)
Disaster

Cities Continued

 Relief Funding Program, creation of - HB 454: HCS
 Relief Funding Program, qualifying applicants for funds - HB 454: HFA(1)
 relief funding, program for - HB 454
Distilled spirits and wine, 1st, 2nd, 3rd, 4th class cities, Sunday sales at private clubs - HB 598
Employees, working as industrial recruiters - HB 62: HFA(1)
Fee for CERS retirees health insurance - HB 11; HB 11: SFA (1)
Fees - court costs - HB 413: HFA(2)
Firearms dealer, zoning restrictions prohibited - SB 95
Historic rock fences, encourage documentation and preservation of - HCR 204
Homeland security funding, reporting requirements - SB 55
HVAC permitting process, allowing local participation - HB 497
Industrial recruiters, requirement to disclose - HB 62
Insurance premium taxes, collection and remittance of - HB 503
Internet advertisement for bids, allow the use of by local governments - HB 583
Joint Parks Department, creation of - HB 4
Jury duty, exempt peace officers, fire fighters and EMS paid personnel - HB 608
Kentucky residency requirements for public servants, make permissive - SB 60: SFA(1)
Lexington, benefits for police and firefighters - SB 139
Lexington/Big Sandy Rail Trail, establish task force to examine development of - HCR 8
Local
 employees, planning and zoning training and residence requirements - SB 60: HCS
 governments, exempt from insurance premium tax on bonds issued by the local government - HB 19
 tax statutes, amendments to - HB 458
Manufactured and mobile homes, inspection - SB 109: HFA(1)
Mobile and manufactured homes, transportation into state - SB 109
Municipal utilities, electric cooperatives, electricity sales to - SB 118
Net
 metering, retail electric service, provision for - HB 490
 profits tax, submission of federal tax return - HB 271
Nuisance abatement - HB 584: HCS
Nuisance, application of - HB 584: HFA(1)
Open meetings/open records infor, preparation & distribution by Attorney General, to local officials - HB 263
Peace officer training - HB 212
Pensions, CERS, benefits for new employees - HB 290: HCS
Planning
 and zoning, agricultural use, set parameters for equine uses - SB 156: HFA(2); HB 404: SFA (2),(5)
 and zoning, commissions and related boards and personnel, omnibus revisions - HB 388: HCS
 and zoning, comprehensive plan - HB 388
 and zoning, comprehensive plans - HB 388: HCS
 commissions and related boards and personnel, omnibus revisions - HB 388
 units, census of, request Interim Joint Committee on Local Government to conduct - HCR 198
Plumbing
 inspections, local government, conduct by, conditions to be met - SB 148: HCS
 petitions, grant by local government or commissioner - HB 485
Private club alcoholic beverage sales, Sunday sales permitted, exception to - HB 598: HFA(1)
Property,
 sale of real and personal owned by city, methods of - HB 438
 transfer for economic development purposes - HB 438: SFA(1)
Public
 funds, prohibition from use for abortion-related education or counseling - HB 32
 servants, employment requirements for - SB 60; SB 60: SCS; HB 9: HCS
Radon mitigation systems, installation in new buildings - HB 145
Regulation comment and review, include governments - HB 609: HCS
Renaissance Kentucky, resolution honoring - HR 96

Cities Continued

Road fund aid programs, supplemental fuel tax receipts - HB 664
Sanitary and storm water systems, board of directors for, powers and duties of - SB 197
Sunday alcoholic beverage sales at private clubs, ordinance required - HB 598: HCS
Tax recall procedures - SB 70: SCS, SFA (1)
Tobacco surtax, funding from - HB 310

Transient room tax, certain local governments may levy in addition to 1% transient room tax - SB 60: HFA(3); SB 150: HFA (5); SB 151: HFA (4)
Zoning
 authority, expand Airport Zoning commission authority to include certain private airports - HB 404: SFA(3)
 authority, expand Airport Zoning Commission authority to include certain private airports - SB 142
 definitions, agricultural use, include various horse-related activities - HB 404
Zoning, firearms manufacturers, importers, and dealers - SB 95: HFA(1)

Cities, Classification

Warsaw, from the 5th to the 4th - HB 203

Cities, Fourth-Sixth Class

Enlargement or reduction of territory across county lines by city - HB 294

Cities, Second Class

Abandoned urban property, allow cities of the second class to levy tax on - HB 373
Death benefit payments for city police and firefighters - HB 566
Enlargement or reduction of territory across county lines by city - HB 294

Cities, Third Class

Death benefit payments for city police and firefighters - HB 566
Enlargement or reduction of territory across county lines by city - HB 294

Civil Actions

Add various bills relating to crimes and punishments - HB 161: SFA(5)
Adverse possession, increase statute of limitations - HB 166
Agent liability, technical correction - SB 209
Agritourism, liability, protection from - HB 444
Airport boards, officers, employees, and responders, immunity and liability for - HB 379
Alcoholic Beverage Control, forfeited property, disposition of - HB 587
Boarding home registration, penalties for - HB 672: HFA(1)
Breach of promise to marry, delete references to tort of - HB 276
Business records, personal privacy, protection of - HB 140; HB 140: HFA (1)
Campaign contributions, recoupment if candidate switches parties - HB 484
Change title to "AN ACT relating to controlled substances" - SB 163: HCA(1)
Charitable drug repository program, immunity for health care providers in - HB 86
Child
 sex abuse, change statute of limitations - HB 302
 support, emancipation - HB 269: HCA(1)
 support, emancipation of physically or mentally incapacitated - HB 269
Cloning of humans, prohibition of - HB 171
Competency hearing, when jury need not be used - SB 251: HCS(1)
Construction services contract, indemnification clause - HB 231
Contingent fee agreements, limitation on - HB 450: HFA(2)
Contributions, recoupment of - HB 484: HCS
Corporations, technical corrections - HB 256

Civil Actions Continued

County law libraries, alternate funding system for - HB 544
Definition of marriage - SB 245; HB 613; HCR 17; SB 245: HFA (1),(3),(5),(8),(9)
Domestic violence petitioners, county attorney may represent - HB 138
Employee job performance, employer disclosure, limited immunity - HB 48; SB 55: HFA (5),(7),(9)
Employer-supplied employee information - HB 48: SFA(1),(2)
Employment reference, nonliability for - HB 403
Firearms manufacturers and dealers, urge United States legislators from Kentucky to reform tort law - HR 165
Health
 care liability limitations - SB 1: HFA(3),(4)
 care professionals, monetary damages and job reinstatement, right to recover - HB 378
 care, liability limitations - SB 1; SB 1: HCS, HFA (1),(5)
Homestead exemption, increase - HB 463
Inmate lawsuits - HB 389; HB 161: SFA (3); HB 389: HCS
Lawsuits against public participation, urge Supreme Court to adopt new rules of civil procedure - HJR 79
Lead poisoning, liability for - HB 349
Libel
 and slander, defenses - HB 678
 and slander, technical corrections - HB 241
Malpractice claim reports, distribution of - SB 1: HFA(2)
Manufactured and mobile home owners, eviction from manufactured or mobile home communities - HB 630
Marriage, judicial bypass procedure for pregnant minors - HB 146
Medical
 malpractice, damages recoverable - SB 1: SFA(2)
 malpractice, legislative authority regarding - SB 1: SFA(1)
 malpractice, tax on awards - HB 395: HFA(19),(20)
 negligence actions - SB 1: SFA(3),(4),(8)
Nonbinding alternative dispute resolution system and trial by jury, provide for - SB 1: SFA(5),(6),(9)
Obscenity-based
 business, abatement of - HB 124
 enterprise, abatement of - HB 520
Parental interference, civil remedy and crime for - HB 606
Permission to sue Commonwealth - HJR 156
Personal injury, premises liability actions - HB 620
Public employees' actions, statute of limitations extended - HB 308
Punitive damages, taxation of - HB 450: HFA(1)
Real property lien, party with an interest in the real property - HB 222; HB 222: HCS
Sex offender management, study of - HCR 13
Social Security number, protection from public disclosure in domestic relations cases - HB 445
Statute of limitations for claims under IDEA - SB 115; SB 115: SFA (1),(3)
Surveyors, statute of limitations - HB 442
Title company, licensing of, liability - HB 612
Unsolicited commercial electronic mail communications, prohibition of - HB 64
Urge U.S. legislators from Kentucky to reform the class action process - HCR 72

Civil Procedure

Autopsy records, petition for access to - HB 111
Business records, personal privacy, protection of - HB 140; HB 140: HFA (1)
Civil actions by public employees, statute of limitations extended - HB 308
Code
 enforcement boards and officers, service of citations - HB 143
 enforcement boards, code enforcement officers, service of citations - HB 668
Contingent fee agreements, limitation on - HB 450: HFA(2)

Civil Procedure Continued

County law libraries, alternate funding system for - HB 544
Domestic violence petitioners, county attorney may represent - HB 138
Foreign judgments of adoption, recognition of - SB 38
Jury
 list, compilation of - SB 251; HB 343
 service, deferment for primary caregivers - SB 251: HFA(3)
Land use, alternative dispute resolution - HB 133
Lawsuits against public participation, urge Supreme Court to adopt new rules of civil procedure - HJR 79
Libel
 and slander, defenses - HB 678
 and slander, technical corrections - HB 241
Manufactured and mobile home owners, eviction from manufactured or mobile home communities - HB 630
Marriage, judicial bypass procedure for pregnant minors - HB 146
Medical
 malpractice actions - HB 450
 malpractice, damages recoverable - SB 1: SFA(2)
 malpractice, legislative authority regarding - SB 1: SFA(1)
Obscenity-based
 business, abatement of - HB 124
 enterprise, abatement of - HB 520
Parental interference, civil remedy and crime for - HB 606
Permanency and termination of parental rights, time of hearings - HB 300
Placement for adoption, restrictions on - HB 358, 661
Police merit board, citizen appeal to - HB 212
Punitive damages, taxation of - HB 450: HFA(1)
Real property lien, party with an interest in the real property - HB 222; HB 222: HCS
Rules of evidence, amendments - HB 314
Sex offender management, study of - HCR 13
Shared parenting time, adjust child support for - HB 76; HB 76: HCS
Social Security number, protection from public disclosure in domestic relations cases - HB 445
Substance abuse, involuntary treatment, petition - HB 77; HB 67: SFA (1)
Surveyors, statute of limitations - HB 442
Termination of parental rights, appointment of appellate counsel - HB 23
Urge U.S. legislators from Kentucky to reform the class action process - HCR 72

Civil Rights

Abortion, abolish - HB 441: SFA(5)
Adult entertainment or material, zoning requirements relating to - HB 521
Constitutional amendment to provide restoration of - HB 552
Death
 penalty, abolition of - HB 88
 penalty, torture of a minor resulting in death - HB 687
Dr. Martin Luther King, Jr., name I-65 in Jefferson County in memory of - HJR 107
Eminent Domain, study of - HCR 184
Employee job performance, employer disclosure, limited immunity - HB 48; SB 55: HFA (5),(7),(9)
Fetal
 homicide, creation of crime - HB 108: HCS
 homicide, crime and penalty enhancement for - HB 108
 homicide, crime of - HB 3; HB 108: HFA (3),(4)
 homicide, exclude stem cell research - SB 4: SFA(1)
Genetic testing, prohibition against employer's use of - HB 234
Governor's Advisory council on Minority Affairs, creation of - HB 588
Human trafficking, study of - HCR 210

Civil Rights Continued

Lawsuits against public participation, urge Supreme Court to adopt new rules of civil procedure - HJR 79
Marriage - SB 245: HFA(11)
Marriage,
 definition of - SB 52: HFA(1),(2); SB 55: HFA (1),(2); SB 92: HFA (1),(2); SB 135: HFA (2),(3); SB 146: HFA (1),(2); SB 187: HFA (1),(2); SB 200: HFA (1),(2)
 validity of - SB 245: HCS
Obscenity-based
 business, abatement of - HB 124
 enterprise, abatement of - HB 520
Preemption of field by state - HB 659
Public indecency, offense of, exceptions to - HB 673
Relationships conferring marital benefits, legislative power to define - SB 245: HFA(12)
Sex
 offender management, study of - HCR 13
 offenders, chemical treatment for - HB 205
 offenders, prohibit from school grounds - HB 303; HB 303: HCS (1),(2)
Sexual
 entertainment or material, zoning requirements relating to - HB 125
 orientation and gender identity, discrimination based on, prohibit - HB 338
Student
 bullying, protection from - HB 540: HCS, HFA (5),(8),(9),(10),(11)
 harassment, intimidation, or bullying, protection from - HB 540
Task Force on Trafficking in Persons, membership of, report deadline - HCR 210: HCS
Tobacco use and consumption, state preemption of the field - HB 66
Unmarried individuals, rights of - SB 245: HFA(10)
Urge
 proposal of constitutional amendment on marriage - HCR 4, 6
 United States legislators from Kentucky to reform tort law relating to firearms industry - HCR 74

Claims

Adverse possession, increase statute of limitations - HB 166
Civil actions by public employees, statute of limitations extended - HB 308
Construction services contract, indemnification clause - HB 231
Corporations, technical corrections - HB 256
Motor vehicle insurance diminution in value - HB 206
Public hunting, cooperator permits - SB 209: SCS
Title company, licensing of, liability - HB 612
Unsolicited commercial electronic mail communications, prohibition of - HB 64
Urge U.S. legislators from Kentucky to reform the class action process - HCR 72
Wildlife management, liability - SB 209: SFA(1)
Workers' compensation, black lung revisions - HB 499

Clergy

Elder abuse, reporting, privilege relating to - HB 105: HFA(1)
Faith-based and nonprofit organizations, Governor's office, create - HB 487
Provision of social services, government funding for - HB 487
Sectarian instruction, KEES scholarship permitted for - HB 28

Coal

Abandoned surface mine sites, allow easing of compacting restrictions on - HCR 202
Administrative regulations relating to emergency action plans, direct cabinet to promulgate - HJR 196
Black lung - HB 499
Capital Project for Greenup County - HB 395: SCA(21)
Coal

Coal Continued

combustion by-product, tax incentives for use as aggregate - HB 505
miner stamp by the U.S. Postal Service, urges issuance of a - HCR 20
mines, electrical mine safety, requirements for - SB 37; HB 8; HB 8: HCS
Severance Tax Project in Harlan County - HB 395: SCA(22)
Severance Tax Project in Pike and Letcher Counties - HB 395: SCA(23)
Coalbed
methane development, drilling permits, requirements for - HB 556
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methane, public protections, requirements for - HB 577: SCS
methane, urge Secretary of Commerce Cabinet to develop and promote use of - HR 228
Dept. for Natural Resources, allow tree growing initiative for uncompacted mine sites - HCR 202
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Harlan County, reallocation of coal severance projects - HB 395: HFA(25)
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Safety Review Commission, appointment of Bayard Collier - HCR 28
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Mines, electrical mine safety, requirements for - SB 37: SFA(1)
Public utilities, installations in coal mines, exemptions for - SB 37: SFA(3)
Severance tax and local assistance fund, use for Medicaid state match - HB 502: HCS
U.S. Office of Surface Mining, permit initiative to grow trees on uncompacted mine sites - HCR 202

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Labor organizations, mandatory membership or financial support prohibited, penalty - HB 173
Police officers, consolidated local government, provisions for - HB 570; HB 570: HFA (1)
Urban-county government, authorization for firefighters and police officers - HB 572

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Adams, Barbara, commending - HR 283
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American Printing House for the Blind, honoring - HR 62
Arnow, Harriet, urge U.S. Post Office to issue commemorative stamp honoring - HCR 57
Bather, Representative Paul, honoring - HR 291
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Coleman, Representative Jack, honoring - HR 293
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Eaglin,
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Grand Lodge of Kentucky, honoring - HR 108
Halvatgis, James N., honoring - HR 56
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 FFA Association, recognize 2003-2004 state officers of - HR 131
 Museum and History Day, declare February 26, 2004 as - HR 179
KY
 11, extend designation as "The Veterans Highway" - HJR 147: HFA(1)
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Lieutenant Garlin Murl Conner, medal of honor, urge Congress to award - HCR 223
Mason County Middle School cheerleaders, 2004 National Champions - HR 261
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Meeks, Reginald K. commemorating the birthday of - HR 254
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Newport Aquarium, recognize First Annual Turtle Derby - HR 279
Patrick, Charles "Pat," honoring - HR 280
Paul Laurence Dunbar HS Cheerleaders, 2004 National Champions - HR 182
Peters, Amo Lucille Powell, honoring - HR 77
Preston, Mary Elizabeth, honoring - HR 148
Riley, Dudley, name a bridge in honor of - HJR 55
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Russell High School Academic Team, resolution honoring - HR 256
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Stumbo, Attorney General Greg, commending and honoring - HR 267
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Trover,
 Dr. Loman C., name a segment of KY 112 in Hopkins County in honor of - SB 106: HCS
 Dr. Loman, name highway in honor of - HJR 54
Veterans, name KY 15 in Breathitt County in honor of - HJR 9
Vietnam Veterans of America, Chapter 868, name US 421 in honor of - HJR 18
Walton, Representative Charlie, honoring - HR 294
Warren Central HS, KHSAA Boys Sweet Sixteen Champions - HR 259

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Alcoholic
 beverage wholesalers, allow purchase credit to retailers, limit 20 days for - SB 79
 beverage wholesalers, allow purchase credit to retailers, limit 30 days for - SB 79: SCS
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Business records, personal privacy, protection of - HB 140; HB 140: HFA (1)
Coalbed methane, urge Secretary of Commerce Cabinet to develop and promote use of - HR 228
Consumer
 contracts, Internet, jurisdiction for adjudication of claims - HB 523: HFA(1)
 protection, price gouging during an emergency, prohibit - HB 471: HCS
 protection, price gouging during an emergency, prohibition - HB 471
Dietary supplement products containing ephedrine group alkaloids, prohibition against sale of - HB 110
Eminent Domain, study of - HCR 184
Employee job performance, employer disclosure, limited immunity - HB 48; SB 55: HFA (5),(7),(9)

Commerce Continued

Federal standards of fill, distilled spirits and wine deemed properly labeled if meeting - HB 362: HCS
General and limited partnerships, uniform laws on - HB 190
Junk and scrap recyclers, activities allowed by and duties of - HB 628
Kentucky Procurement Advisory Council, collect data on offshore outsourcing - HB 640: HCS
Limited liability company act, amendments to - HB 221
Local event tickets, county fiscal court surcharges on - HB 586
Making telephone solicitations to wireless telephone numbers, prohibition of - HB 65
NAFTA, urge Congress to repeal and end talks on Free Trade Area of the Americas - HR 139
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Sales tax holiday, creation of - HB 192
Schools, beverage requirements during school day in - HB 261: HFA(1)
Tobacco use and consumption, state preemption of the field - HB 66
Wholesalers and retailers, minimum quantities of distilled spirits in containers kept or sold by - HB 362

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Open Meetings and Open Records Law, exceptions to - SB 55: HFA(4)
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Access to newspapers using a telephone, Accessible Electronic Information Service Program to provide - HB 262: HFA(1)
Accessible Electronic Information Service Program, radio technology - HB 262: HFA(2)
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Boardband, consumer service complaints, jurisdiction for - HB 627: HFA(4)
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 service, interconnection agreements, authority for - SB 215: SFA(4)
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 deregulation of - HB 627: HCA(2)
 direct study of issues surrounding - HB 627: HFA(6)
 interconnection agreements, commission jurisdiction for - HB 627: HFA(1)
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 preventing discriminatory access, penalties for - HB 627: HFA(9)
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 regulation of - SB 215: SFA(5); HB 627: SCS, SFA (6), HCS
 remote terminals, jurisdiction over - HB 627: HFA(8)
 state requirements for - HB 627: HFA(2)
Camera phones, limiting use of - HB 689
Communications, wireless - HB 226: HCS
Definition of telephone utility, municipal government, exemption from - SB 215: SFA(3)
Extending broadband service, excess earnings, use for - HB 627: HFA(3)
Hand-held mobile telephones, use in moving vehicles, prohibition of - HB 602
Human services, 2-1-1 dialing code for - HR 188, 189
Internet, encourage Congress to establish ".xxx" domain - HCR 112
Local exchange telecommunications company customers, periodic surcharges rendered to - HB 262: HCS
Making telephone solicitations to wireless telephone numbers, prohibition of - HB 65
Refusal of broadband service for voice switch, prohibition against - HB 627: SFA(3)
Sales tax, pay phone exemption from - HB 654
Telecommunications, broadband services, deregulation of - SB 215; HB 627; SB 215: SFA (1)

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 solicitation and telemarketing, consumer education pamphlet regarding - HB 65: HCS
 solicitation, making campaign calls, prohibition - HB 44
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Unsolicited commercial electronic mail communications, prohibition of - HB 64
Wholesale DSL service, equal service offerings, requirement for - HB 627: SFA(7)
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 264/SCS - HB 264: CCR
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 Development Board, reappointment of Susan G. Harkins - HCR 36
 Development Board, reappointment of Willa H. Poynter - HCR 35
Branham, Dan H., Education Professional Standards Board - HCR 23
Cawood, Stephen C., Mine Safety Review Commission - HCR 63
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Education
 Professional Standards Board, Kristin Moe Gregory - HCR 33
 Professional Standards Board, Lydia Sweeney Coffey - HCR 34
Freeman, Bonnie Lash, Kentucky Board of Education, appointment to - HCR 120
Hall, Daniel, Kentucky Long-Term Policy Research Center Board - HCR 30
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Livers, Linda L., Education Professional Standards Board - HCR 31
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Postsecondary Education Nominating Committee, Tanya McGaha - HCR 22
Rhodes, David B., Kentucky Board of Education, appointment to - HCR 121
Slagle, Marshall D., Kentucky Long-Term Policy Research Center Board, serve unexpired term - HCR 39
Stewart, Sid, Agricultural Development Board - HCR 26
Stone, Wilson L., Education Professional Standards Board - HCR 24
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Turner,
 Cynthia M., Education Professional Standards Board - HCR 25
 John S., confirmation to the Council on Postsecondary Education - HCR 66
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Webb, David L., Kentucky Board of Education, appointment to - HCR 123
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 branch ethics code, postemployment and lobbying restrictions, application of - HB 1: HCS
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Members of Congress, renewal of congressional license plate, increase renewal fee - HB 696

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Delinquent
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Disaster relief funding, program for - HB 454
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Insurance premium taxes, collection and remittance of - HB 503
Jury duty, exempt peace officers, fire fighters and EMS paid personnel - HB 608
Kentucky residency requirements for public servants, make permissive - SB 60: SFA(1)
Livery vehicles, allow to regulate following guidelines for local regulation of taxicabs - HB 561
Ordinances affecting farm equipment, exemption from - SB 129: SCA(1)
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 and zoning, comprehensive plan - HB 388
 and zoning, location of firearms dealers, manufacturers, and importers - SB 95: HFA(4)
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Arrest fee for sheriffs, increase - HB 565
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Ballot language, prescribe - SB 245: SFA(1)
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County surveyor, requirements for - HB 443
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Facilities, gambling, authorize at horse racing tracks and other locations - HB 676
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 care liability limitations - SB 1: HFA(3),(4)
 care liability, limitations on noneconomic and punitive damages, deletion of - SB 1: SFA(7)
 care, liability limitations - SB 1; SB 1: HCS, HFA (1),(5)
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Homestead
 exemption, increase of - HB 464
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 malpractice, damages recoverable - SB 1: SFA(2)
 malpractice, legislative authority regarding - SB 1: SFA(1)
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Nonbinding alternative dispute resolution system and trial by jury, provide for - SB 1: SFA(5),(6),(9)
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Relationships conferring marital benefits, legislative power to define - SB 245: HFA(12)
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St. Patrick's Day, recognize - HCR 102: HFA(1)
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Alcoholic beverage containers, federal standards of fill, compliance with - SB 79: HFA(1)
Boxing contract, content specified - HB 712
Business records, personal privacy, protection of - HB 140; HB 140: HFA (1)
Cemeteries, contracts for burial space, human and animal remains, separation of - HB 198
Consumer
 contracts, Internet, jurisdiction for adjudication of claims - HB 523: HFA(1)
 contracts, jurisdiction for adjudication of claims - HB 523
 protection, price gouging during an emergency, prohibit - HB 471: HCS
 protection, price gouging during an emergency, prohibition - HB 471
Credit
 and debit card, protection of - HB 7
 card balance, payment in full - HB 324
 card limit reduction, notice required - HB 481
 cards, payment in full - HB 324: HCS
Flea markets, medicine, medical devices, and baby formula sales, prohibition on - HB 204
Fuel marketing, prohibit unfair competition - HB 296
Gasoline,
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Health insurance, CPT codes, insured liability for - HB 455

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Life insurance beneficiaries, notification of - HB 567
Making telephone solicitations to wireless telephone numbers, prohibition of - HB 65
Malt beverage brewers and importers, agreements with distributors requirements of - HB 362: SCS(1),(2)
Motor
 vehicle titles, new brand to warn that not all rebuilt vehicles may be titled in another state - HB 459: HFA(1),(2)
 vehicles, unrebuildable titles on, prevent issuance in - HB 459
Price gouging, prohibit - HB 471: SCS
Purchase of a car, require 3 days to return and retrieve vehicle & money given in trade - HB 254
Telephone solicitation and telemarketing, consumer education pamphlet regarding - HB 65: HCS
Television and radio broadcasts, urge tighter regulations - HCR 44, 45
Tongue splitting, regulation of - HB 14
Unsolicited commercial electronic mail communications, prohibition of - HB 64

Contracts

Airport boards, limits on contract performance - HB 331
Boxing promoter's disclosures, penalty for noncompliance - HB 712
Broadcasting industry, noncompetition clauses invalid - HB 677
Cemeteries, burial contracts, restrictions on burial of animals - HB 198
Construction
 contract requirement, residential and light commercial, projects $2,500 or over - HB 277
 services contract, indemnification clause - HB 231
Consumer
 contracts, Internet, jurisdiction for adjudication of claims - HB 523: HFA(1)
 contracts, jurisdiction for adjudication of claims - HB 523
Contract for VET testing in Northern Kentucky, termination of - SJR 3: HCS
County
 police force appointment by county judge/executives, change from 1 year to 4 year contract - HB 156
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Government contracts review, contracts subject to - HB 320
Industrial recruiters, duty to disclose, sanctions for noncompliance - HB 62
Internet advertisement for bids, allow the use of by local governments - HB 583
Kentucky
 Affordable Prepaid Tuition, exemption - HB 320: HCS
 Affordable Prepaid Tuition, removes exemption - HB 320: HFA(1)
 Educational Savings Plan Trust, exemption - HB 320: HCS
 Educational Savings Plan Trust, removes exemption - HB 320: HFA(1)
 Higher Education Assistance Authority, exemption - HB 320: HCS
 Higher Education Assistance Authority, removes exemption - HB 320: HFA(1)
 Higher Education Student Loan Corporation, exemption - HB 320: HCS
 Higher Education Student Loan Corporation, removes exemption - HB 320: HFA(1)
 Procurement Advisory Council, collect data on offshore outsourcing - HB 640: HCS
Louisville Water Authority, exemption - HB 320: HFA(1)
Malt
 beverage brewers and importers, agreements with distributors requirements of - HB 362: SCS(2)
 beverage brewers and importers, agreements with wholesalers and distributors requirements of - HB 362: SCS(1)
Motor vehicle retail installment, statute of limitations - SB 72
Noncompetitive negotiation, limitations on - HB 2
Public, certain contracts to be in writing - HB 320
Sole source purchases, limited to certain users under restricted circumstances - HB 2

Contracts Continued

State
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 service contracts, required to be performed in the United States - HB 640
Tax exemption for purchases made to fulfill a contract with a governmental entity or school district - HB 114
Taxes, contract for the payment of - HB 297

Cooperatives

Electric
 transmission lines, PSC certificate for - SB 246: SCS
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Municipal utilities, electric cooperatives, electricity sales to - SB 118

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Autopsy records, petition for access to - HB 111
Death certificate, unknown cause of death - SB 62
Life insurance, proof of death - HB 582

Corporations

Agricultural credit associations, taxation of - HB 292: SCA(1), SFA (1), HFA (1)
Assumed business names, filing of - HB 112; HB 112: HCS
Business records, personal privacy, protection of - HB 140; HB 140: HFA (1)
Corporate
 income tax, establish 6% rate for 2007 - SB 251: HFA(4)
 tax reform - SB 251: HCS(2)
Corporations, technical corrections - HB 256
Employer-supplied employee information - HB 48: SFA(1),(2)
Employment reference, nonliability for - HB 403
General and limited partnerships, uniform laws on - HB 190
Impose a flat rate of 6% on corporate income - HB 662
Income tax, reform - HB 299
Insurer rehabilitation and liquidation - SB 171
Interstate bank mergers - HB 319
Kentucky e-Health Information Network Corporation, creation of - HB 56
License tax, consolidated return allowed - HB 292
Limited liability companies, share exchange with - HB 221
Online notarization for business filing requirements, allow Secretary of State to accept - HB 135

Corrections and Correctional Facilities, State

Add various bills relating to crimes and punishments - HB 161: SFA(5)
Adult correctional institutions - HB 395: HFA(34)
Concealed weapon, carrying in detention facility - HB 18
Convicts, home incarceration for - HB 409; HB 161: SFA (3); HB 409: HCS
Death
 penalty for persons aged 16 or 17 - HB 395: HFA(15)
 penalty, abolition of - HB 88
DNA, collection, any felony - HB 119
Economic Development Bonds, restore debt service funding - HB 395: HFA(28)
Execution
 of person sentenced to death - HB 395: HFA(17),(18)
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Federal

Corrections and Correctional Facilities, State Continued

- Lab Recruitment, provide funds from Department of Corrections to support - HB 395: HFA(27)
- prescription drug discount program, Cabinet for Health Service study of - HJR 38
- Felony murder - SB 25
- Homelessness
  - prevention, institutional discharge pilot project for - HB 376
  - prevention, pilot project for - HB 376: SCS
- Homelessness, prevention, voluntary foster care discharge pilot project for - HB 376: HCS
- Inmate lawsuits - HB 389; HB 161: SFA (3); HB 389: HCS
- Inmates, allow funeral and deathbed visits - HB 389: HFA(1)
- Kentucky Economic Development Finance Authority, restore funds to - HB 395: HFA(29)
- Little Sandy Correctional Complex - HB 395: HFA(36)
- Move funds to Department of Education - HB 395: HFA(32)
- Pennyrile
  - Westpark Industrial Park, on-site operations - HJR 113: HCS
  - Westpark Industrial Park, transfer, requirements for - HJR 113
- Probation and Parole, supervision fee - HB 161: SFA(3),(4)
- Sex
  - offender management, study of - HCR 13
  - offender registration, not always required for unlawful transaction with minor - HB 410
  - offender registration, not required for unlawful transaction with minor - HB 161: SFA(3); HB 410: HFA (1)
  - offenders, chemical treatment for - HB 205

Corrections Impact

- Abortion, prohibition of performance of - HB 658
- Academic degree, forgery of - HB 318
- Adult abuse and exploitation - HB 105: SCS
- Alcohol and drug test, defrauding of - SB 86
- Assault in the third degree, include personnel of various emergency related services - SB 217
- Camera phones, limiting use of - HB 689
- Casinos and racetracks gaming operations, omnibus bill - HB 637
- Checks, rental payments - HB 698
- Child
  - pornography, make possession of a Class D felony for first offense - HB 366
  - pornography, penalty increases - HB 265
- Cloning of humans, prohibition of - HB 171
- Concealed weapon, carrying in detention facility - HB 18
- Consumer protection, price gouging during an emergency, prohibition - HB 471
- Controlled
  - substance endangerment to a child - SB 163; SB 163: HCS (1)
  - substance, endangerment to a child - SB 163: SCS, HCS (1),(2)
  - substances, electronic reporting, data sharing in system of - SB 14
  - substances, possession of nonoriginal container, repealed - HB 359
- Convicts, home incarceration for - HB 409; HB 409: HCS
- Corrections Impact - HB 7
- Credit and debit card, protection of - HB 7
- Criminal mischief, cattle within scope of offense - HB 264: HCS
- Cruelty to animals, pecuniary loss of $1,000 or more - HB 264
- Death
  - penalty for juveniles, elimination of - HB 475
  - penalty, abolition of - HB 88
  - penalty, torture of a minor resulting in death - HB 687
- Destructive research on human embryo, prohibit - HB 170
- Dietary supplement products containing ephedrine group alkaloids, prohibition against sale of - HB 110

Corrections Impact Continued

DNA collection, any felony - HB 119
Domestic violence order, consecutive sentencing - HB 353
Drug
 offense, carrying firearm during commission of - HB 547: HCS
 offense, use or carrying of firearm during - HB 547
DUI, persons under 21 - HB 431
Elder abuse, reports of and duties relating to - HB 105
Electronic gaming at race tracks, part of state lottery, omnibus bill - HB 45
Failure to return to custody, establish offense of - HB 666
Fees for administering special license plate donations, increase - HB 172: HCS(1)
Felony
 interrogations, require audio or video recording, conditions for use and destruction of - HB 390
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Fetal
 homicide - SB 4
 homicide, creation of crime - HB 108: HCS
 homicide, crime and penalty enhancement for - HB 108
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Flea market sales, restrictions on - HB 204
Gubernatorial campaign finance, requirements for - HB 538
Health Services Cabinet, abuse, attorney and clergy privilege relating to - HB 105: HFA(1)
Indecent exposure - SB 145; SB 145: HCS
Inmate lawsuits - HB 389; HB 389: HCS
Jail inmates, behavioral health risk assessment - SB 64; SB 64: SCS
Juvenile Justice, detention hearings, services, registration - HB 550; HB 550: HCS
KASPER system - tolerance rates for data errors - SB 14: SCS
Long-term care facility inspections, penalty for prior notification of - HB 159
Medication aides, Board of Nursing requirements for - HB 73
Methamphetamine precursors, controls on sale - HB 118
Methamphetamine,
 chemicals and equipment for manufacture - HB 27, 182
 possession of chemical or equipment to manufacture - HB 24
 unlawful manufacture of - HB 25; HB 25: HCS
Nonviolent substance abusers, parole of - HB 275
Offender registration - HB 594
Parental interference, civil remedy and crime for - HB 606
Partial-birth abortion - HB 26
Primary health care clinics, establishment of revolving loan program - HB 684
Probation and work release, direction of - HB 476
Real estate brokers, requirements and duties of - SB 244
Scanning devices, intent to defraud - HB 7: HCS
Self-referral prohibition, elimination of Medicaid and Medicare distinction for - HB 482
Sex
 offender registration, not always required for unlawful transaction with minor - HB 410
 offenders, chemical treatment for - HB 205
Sexual
 abuse, penalty increase for specified conduct - HB 354
 offenses against minors, increase penalty for attempt or solicitation - SB 102
 offenses, charge stacking - SB 102: HCS
 offenses, penalty enhancement - HB 223
 offenses, using communications device to procure a minor - SB 102: SCS
Shock probation, limits, appeals - HB 407; HB 407: HCS
Special
 license plates, establish guidelines for Transportation Cabinet to follow prior to issuing - HB 172: HCS(3)
 license plates, omnibus revision of provisions governing - HB 172

Corrections Impact Continued

license plates, remove clerk from process to retain and distribute funds to groups - HB 172: HCS(2)
Support of dependents, crime of nonsupport - HB 363
Theft of services, child care - HB 469
Tongue splitting, finding of therapeutic or clinical basis required - HB 14
Traffic signals, prevent use of mobile infrared transmitters to change - HB 141
Unlicensed real estate brokerage, designating a Class D felony for - SB 244: SCS
Victims, abuse, required reports regarding - HB 105: HCS
Vital
 records, access of personal representative and decedent creditor to - HB 100: HCS
 records, security of - HB 100; HB 100: SCS

Counties

Adjustment fee for unescorted retirees - HB 11: HCS
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 title to real property - HB 291: HCS
Airport
 boards, limits on contract performance - HB 331
 boards, officers, employees, and responders, immunity and liability for - HB 379
Allow growth counties to freeze property tax rate - HB 632
Animal shelter, euthanasia at - HB 336: HFA(3)
Asset forfeiture funds, disbursement of - HB 477
Authorized office expenses, sheriffs and county clerks - HB 258
Board of directors for sanitary and storm water systems, powers and duties of - SB 197: SCS
Building inspectors, prohibitions placed on - HB 147
Buildings, radon mitigation in - HB 145: HCS
Capital
 Project for Greenup County - HB 395: SCA(21)
 Project for Jessamine County - HB 395: SCA(18)
 Projects in Rockcastle County - HB 395: SCA(19)
Cellular telephones, purchase and operation for emergency services personnel - HB 180
Cemeteries, county cemetery boards, grants available for - HB 559; HB 559: HCS
CERS, retirees, increase in benefits - HB 528
Children, lost and missing, "Code Adam" Program - HB 251
Civil rights, preemption of field by state - HB 659
Clerks,
 document recording and archiving - HB 328
 fees, copying - HB 611: HFA(1)
 fees, increase in selected - HB 611
 fees, reduce the increase in two fees - HB 611: HCS
 records maintenance - HB 611
Coal
 severance tax and local assistance fund, use for Medicaid state match - HB 502: HCS
 Severance Tax Project in Harlan County - HB 395: SCA(22)
 Severance Tax Project in Pike and Letcher Counties - HB 395: SCA(23)
Code
 enforcement boards, hearing officers for - HB 668: HFA(1)
 enforcement boards, service of citations - HB 143, 668
Communications,
 wireless - HB 226: HCS
 wireless public safety systems - HB 226
Confiscated
 firearms, disposition of for firearms or equipment - SB 83: HFA(1)
 firearms, may be exchanged - SB 83: HFA(2)

Counties Continued

Consolidated local governments, zoning, firearms dealers, manufacturers, and importers - SB 95: HCA(1)
Constables, blue lights and siren, use of - HB 531
Construction permit for repairing existing structures crossing streams, exempt local government from - HB 179
County
 clerks, fees for duplicating - HB 669
 consolidation, process for - HB 289
 detectives appointed by county attorneys, powers and training of - HB 703: HFA(1)
 detectives, give power of arrest in county and right to execute process statewide - HB 703
 Employees Retirement System, retiree raises - HB 278
 law libraries, alternate funding system for - HB 544
 police force appointment by county judge/executives, change from 1 year to 4 year contract - HB 156
 police force contracts, change for 1 year to 4 - HB 156: HFA(1)
 roads and public roads, adoption into county system, omnibus revision - HB 199
 roads, create limited exemption on minimum right-of-way - HB 199: HCS
 roads, lack of maintenance precludes inclusion in county road system, delete - HB 199: HFA(1)
 roads, minimum right of way, exempt existing roads - HB 199: SCS
 surveyor, requirements for - HB 443
Court
 costs - counties without police departments - HB 413: HFA(7)
 costs - fees to counties with detention centers - HB 413: SFA(1)
 costs - funds for sheriffs in counties without cities - HB 413: HFA(1)
 costs - local government public safety funding - HB 413: HFA(6),(8)
 costs fees, allocation to counties - HB 413: SFA(3)
 costs, additional fees for local police departments - HB 413
 costs, increased, disposition of - HB 413: SFA(2)
Delinquent
 property taxes, exception for add-on fees in interest calculation - HB 421
 taxes - fees and certificates of delinquency - HB 510: HFA(1)
Disaster
 Relief Funding Program, creation of - HB 454: HCS
 Relief Funding Program, qualifying applicants for funds - HB 454: HFA(1)
 relief funding, program for - HB 454
Distilled spirits and wine, 1st, 2nd, 3rd, 4th class cities, Sunday sales at private clubs - HB 598
Elected officials, salary and benefits if reemployed after retirement - HB 201
Electric transmission siting, location of - HCR 106
Elliott County, Little Sandy Correctional Complex - HB 395: HFA(36)
Emergency services boards, taxing authority - HB 427
Employees, working as industrial recruiters - HB 62: HFA(1)
Fee for CERS retirees health insurance - HB 11; HB 11: SFA (1)
Fire protection districts, limitations on board of trustees, removal of - SB 195
Firearms dealer, zoning restrictions prohibited - SB 95
Funding requirements on projects - HB 395: SCA(11)
Harlan County, reallocation of coal severance projects - HB 395: HFA(25)
Historic rock fences, encourage documentation and preservation of - HCR 204
Homeland security funding, reporting requirements - SB 55
HVAC permitting process, allowing local participation - HB 497
Industrial recruiters, requirement to disclose - HB 62
Insurance premium taxes, collection and remittance of - HB 503
Interlocal
 agreements, incentives for - HB 78; HB 78: HCS
 agreements, making provisions for - HB 109: HCS(2)
 agreements, provisions affecting - HB 109: HCS(1)
 agreements, provisions affecting counties - HB 109
Internet advertisement for bids, allow the use of by local governments - HB 583

Counties Continued

Jails, failure to return to custody, establish offense of - HB 666
Joint Parks Department, creation of - HB 4
Jury duty, exempt peace officers, fire fighters and EMS paid personnel - HB 608
Kentucky residency requirements for public servants, make permissive - SB 60: SFA(1)
Letcher County, reallocation of coal severance projects - HB 395: HFA(24)
Lexington/Big Sandy Rail Trail, establish task force to examine development of - HCR 8
Liens filed for labor and materials in county clerk's office, change filing deadline for - SB 174
Lincoln County Sewer Project - HB 395: SCA(12)
Local
 employees, planning and zoning training and residence requirements - SB 60: HCS
 event tickets, county fiscal court surcharges on - HB 586
 governments, exempt from insurance premium tax on bonds issued by the local government - HB 19
 ordinances affecting farm equipment, void - SB 129
 tax statutes, amendments to - HB 458
Manufactured and mobile homes, inspection - SB 109: HFA(1)
Marginal entry records, require county clerks to maintain - HB 402
Mobile and manufactured homes, transportation into state - SB 109
Muhlenberg, designation as birthplace of thumb picking style of guitar playing - HB 40
Net profits tax, submission of federal tax return - HB 271
Noncoal mining, transportation impact plan, requirement for - HB 543
Northern Kentucky VET program, elimination of - SJR 3
Nuisance abatement - HB 584: HCS
Nuisance, application of - HB 584: HFA(1)
Open meetings/open records information, preparation and distribution to local governments - HB 263
Peace officer training - HB 212
Pensions, CERS, benefits for new employees - HB 290: HCS
Permit jailer to sell legal advertising space in county jail to attorneys - HB 307
Planning
 and zoning, agricultural use, set parameters for equine uses - SB 156: HFA(2); HB 404: SFA (2),(5)
 and zoning, commissions and related boards and personnel, omnibus revisions - HB 388: HCS
 and zoning, comprehensive plan - HB 388
 and zoning, comprehensive plans - HB 388: HCS
 and zoning, location of firearms dealers, manufacturers, and importers - SB 95: HFA(4),(5)
 commissions and related boards and personnel, omnibus revisions - HB 388
 units, census of, request Interim Joint Committee on Local Government to conduct - HCR 198
Plumbing
 inspections, local government, conduct by, conditions to be met - SB 148: HCS
 petitions, grant by local government or commissioner - HB 485
Private club alcoholic beverage sales, Sunday sales permitted, exception to - HB 598: HFA(1)
Property tax assessment and PVA administration fund, creation of - HB 339
Public
 funds, prohibition from use for abortion-related education or counseling - HB 32
 servants, employment requirements for - SB 60; SB 60: SCS; HB 9: HCS
Radon mitigation systems, installation in new buildings - HB 145
Regulation comment and review, include governments - HB 609: HCS
Road fund aid programs, supplemental fuel tax receipts - HB 664
Rockcastle County Water Project - HB 395: SCA(13)
Sanitary and storm water systems, board of directors for, powers and duties of - SB 197
Sanitation districts - administration, functions, and structure - SB 197: HCS
School board membership, disqualification for elected county officials' immediate family - HB 398: HFA(1)
Sheriff, special deputies - HB 258: SCS
Sheriffs, office expenses - HB 258: HCA(1)
Sunday alcoholic beverage sales at private clubs, ordinance required - HB 598: HCS
Tax

Counties Continued

information to be reported - HB 136
recall procedures - SB 70: SCS, SFA (1)
Tobacco surtax, funding from - HB 310
Transient room tax, certain local governments may levy in addition to 1% transient room tax - SB 60: HFA(3); SB 150: HFA (5); SB 151: HFA (4)
Vehicle emissions testing in Northern Kentucky counties, ending of - SJR 3: HCS
Volunteer fire departments, additional monetary award for continuing education - HB 436: HFA(1)
Waste tire trust fund, recycling projects to include crumb rubber - HB 301
Zoning
 authority, expand Airport Zoning commission authority to include certain private airports - HB 404: SFA(3)
 authority, expand Airport Zoning Commission authority to include certain private airports - SB 142
 definitions, agricultural use, include various horse-related activities - HB 404
Zoning, firearms manufacturers, importers, and dealers - SB 95: HFA(1)

Counties of 75,000 or More

Sheriffs, office expenses - HB 258: HCA(1)

Counties with Cities of the Second Class

Ordinances affecting farm equipment, exemption from - SB 129: SCA(1)
Planning and zoning, comprehensive plan - HB 388

Counties, Urban

Condemnation proceedings, Ky. American Water, urge appointment of Scott Co. resident to task force - HR 271
Court
 costs - counties without police departments - HB 413: HFA(7)
 costs - fees to counties with detention centers - HB 413: SFA(1)
 costs - funds for sheriffs in counties without cities - HB 413: HFA(1)
 costs - local government public safety funding - HB 413: HFA(6),(8)
 costs fees, allocation to counties - HB 413: SFA(3)
Fees - court costs - HB 413: HFA(2)
Firearms dealer, zoning restrictions prohibited - SB 95
Insurance premium taxes, collection and remittance of - HB 503
Jury duty, exempt peace officers, fire fighters and EMS paid personnel - HB 608
Lex-Fayette County, resolution urging pay increase for police and firefighters - HR 250
Lex-Fayette, resolution urging pay increase for police and firefighters - HR 208
Livery vehicles, allow to regulate following guidelines for local regulation of taxicabs - HB 561
Ordinances affecting farm equipment, exemption from - SB 129: SCA(1)
Pension fund, benefits for police and firefighters - SB 139: HFA(1),(2),(3)
Pension, police and firefighters - HR 266
Planning
 and zoning, comprehensive plan - HB 388
 and zoning, location of firearms dealers, manufacturers, and importers - SB 95: HFA(4),(5)
Police officers and firefighters, collective bargaining, provisions for - HB 572
Retirement benefits for police and firefighters - SB 139
Sheriffs, office expenses - HB 258: HCA(1)

County Clerks

Adverse possession, adverse possessor may file notice - HB 166
Affidavits,
 title to real estate - HB 291
 title to real property - HB 291: HCS

County Clerks Continued

Assumed business names, filing of - HB 112; HB 112: HCS
Authorized office expenses, sheriffs and county clerks - HB 258
Certificates
 of delinquency, interest attaches to fees on - SB 204
 of delinquency, interest on fees - HB 510: SFA(1)
Choose Life license plate, establish - SB 39
Cities of 2nd through 6th class, enlargement or reduction of territory across county lines by city - HB 294
Clerks, fees, reduce the increase in two fees - HB 611: HCS
Commission on the Deaf and Hard of Hearing, special license plate for - SB 18
Contributions to the veterans' program trust fund, require posters in each office to promote - HB 696: HFA(1)
County clerks, fees for duplicating - HB 669
Document recording and archiving - HB 328
Fees for administering special license plate donations, increase - HB 172: HCS(1)
Fees,
 copying - HB 611: HFA(1)
 increase in selected - HB 611
Liens filed for labor and materials in county clerk's office, change filing deadline for - SB 174
Marginal entry records, require county clerks to maintain - HB 402
Military discharge papers, release and destruction of - HB 225; HB 225: SFA (1)
Motor
 vehicle identification numbers database - SB 147; HB 29
 vehicle security interest, termination statement - SB 181
 Vehicle Usage Tax, definition of retail price, proof of total consideration given - HB 282
 vehicles, require to be registered in the county of the purchaser's residence - HB 399
Personalized license plates, divide the fee between the Transportation Cabinet and the county clerk - HB 172: HFA(4)
Property tax, commission for collecting - HB 107
Records, maintenance - HB 611
Relay for Life special license plate, collection of voluntary contributions - SB 104
Report sale of junked cars, duty of junk and scrap recyclers to - HB 628
Salary and benefits if reemployed after retirement - HB 201
Special
 EMS license plates, establish - SB 193
 license plates, remove clerk from process to retain and distribute funds to groups - HB 172: HCS(2)
 license plates, require the Transportation Cabinet to forward funds to groups - HB 172: HFA(6)
 license plats, holding fees collected for groups, allow to hold in one account - HB 172: HFA(7)
 military-related license plates, make motorcycles eligible for - HB 92
Vehicle emission testing program, fee for - HB 423

County Judge/Executives

County
 consolidation, duties of the judge/executive in - HB 289
 police force appointment by county judge/executives, change from 1 year to 4 year contract - HB 156
 police force contracts, change for 1 year to 4 - HB 156: HFA(1)
Fire protection districts, merger - HB 412
Library boards, authorize fiscal court to make appointments - HB 120
Open meetings/open records information, preparation and distribution to local governments - HB 263
Sanitation districts - appointments - SB 197: HCS

Court of Appeals

Judicial
 Branch Budget Memorandum - HJR 104
 Branch Budget Memorandum, attachment of - HJR 104: SCS

Court, Supreme

Attorneys, one year internship before solo practice - HB 401
Death penalty, abolition of - HB 88
General
 Assembly members, sit for and pass state bar examination, admitted to practice of law - SB 163: HFA(1); SB 219: HFA (2)
 Assembly members, sit for and pass state bar examination, granted license to practice law - SB 148: HFA(2)
Judicial
 Branch Budget Bill - HB 396: HCS
 Branch Budget Memorandum - HJR 104
 Branch Budget Memorandum, attachment of - HJR 104: SCS
 Branch Budget, appropriation of - HB 396; HB 396: SCS
Juror pay increase, funding provided through elimination of office expense - HB 500
Lawsuits against public participation, urge Supreme Court to adopt new rules of civil procedure - HJR 79
Partial-birth abortion, establish rules for access to court for necessity determination - HB 26

Courts

Adjournment of juries, technical correction - HB 680
Administrative
 Office of the Courts, collection of delinquent debts - HB 162
 Office of the Courts, system for collecting fines, fees, and other payments owed - SB 228
Agent liability, technical correction - SB 209
Amend
 definition of liquidated debts of the courts - HB 162: HFA(1)
 time for filing of reports by the courts - HB 162: HFA(1)
Attorney licensing, make provisions for GA members to become licensed attorneys - SB 34: HFA(2); SB 206: HFA (1)
Authority and balance of power, clarification of - SB 245: HCS
Collaboration to collect old court debts, require - HB 162: SFA(2)
Competency
 hearing, when jury need not be used - SB 251: HCS(1)
 hearings, permit trial by court without a jury during - HB 22; HB 22: HFA (1)
Concealed weapon, carrying in detention facility - HB 18
Contingent fee agreements, limitation on - HB 450: HFA(2)
Court
 costs - counties without police departments - HB 413: HFA(7)
 costs - funds for sheriffs in counties without cities - HB 413: HFA(1)
 costs - local government public safety funding - HB 413: HFA(6),(8)
 costs fees, allocation to counties - HB 413: SFA(3)
 costs, additional fees for local police departments - HB 413
 costs, remove assessment of for prepaid seat belt violation fines - HB 33
 of Justice, technical correction - HB 243
 security officers - HB 616
Crimes
 by students, notification to school districts - SB 52: SFA(2)
 by students, notification to school districts, disposal of records - SB 52: SFA(3)
Crimes, notification of - SB 52: SFA(1), HCS
Death penalty, abolition of - HB 88
Develop system for collecting old debts - SB 228: SFA(1)
Dietary supplement products containing ephedrine group alkaloids, prohibition against sale of - HB 110
Divorce, abolishment of - HB 574
Drug court sites - HB 395: HFA(34)
Elder abuse, reports of and duties relating to - HB 105; HB 105: HCS, HFA (2)

Courts Continued

Establish systems for the collection of debts - SB 228: SCS
Federal judicial nominees, urge United States Senators to allow a timely floor vote on - HR 166
Fees - court costs - HB 413: HFA(2)
Fees, telephonic behavioral health jail triage system - HB 157: SCS(2)
Felony murder - SB 25
Firearms manufacturers and dealers, urge United States legislators from Kentucky to reform tort law - HR 165
General Assembly, appropriation power - HB 615: HFA(1)
HVAC permitting process, jurisdiction for actions & appeals in civil, criminal, and injunctive cases - HB 497
Judicial
 personnel, technical correction - HB 674
 retirement, technical correction - HB 244
Juror pay, calculation of - SB 251; HB 343
Jury
 duty, exempt peace officers, fire fighters and EMS paid personnel - HB 608
 list, compilation of - SB 251; HB 343
 service, deferment for primary caregivers - SB 251: HFA(3)
Juvenile Justice, detention hearings, services, registration - HB 550; HB 550: HCS, HFA (1),(2)
Kentucky Principal and Income Act, adoption of - HB 517: HCS
Lawsuits against public participation, urge Supreme Court to adopt new rules of civil procedure - HJR 79
Libel
 and slander, defenses - HB 678
 and slander, technical corrections - HB 241
Liquidated debts - collection by Revenue Cabinet - HB 162: HCS
Livingston County Courthouse project, remove - HB 396: SCA(1)
Marriage
 - SB 245: HFA(11)
 between selected persons, urge Congress to abolish - HCR 17: HFA(3)
Marriage, validity of - SB 245: HCS
No fault divorce, urge Congress to abolish - HCR 17: HFA(2)
Notification of certain alleged crimes, school principal - SB 52
Parental interference, civil remedy and crime for - HB 606
Partial-birth abortion, petition for determination of necessity - HB 26
Permanent placement, foster care and adoption, annual report - HB 300
Personal injury, premises liability actions - HB 620
Pledge of allegiance, urge Supreme Court to overturn case on - HCR 14
Power relative to acts of General Assembly, clarify - HB 615
Powers of General Assembly, with respect to - SB 89: HFA(1)
Punitive damages, taxation of - HB 450: HFA(1)
Relationships conferring marital benefits, legislative power to define - SB 245: HFA(12)
Require
 courts to establish a system of controls for debts - SB 228: HCS
 establishment of debt tracking system - SB 228: HFA(1)
 the courts to establish a debt tracking system - HB 162: SFA(1)
Retired judges, remove gender-specific language - HB 675
Rowan County Courthouse project, remove - HB 396: SCA(3)
Rule against perpetuities, abolishment - HB 42
Shared parenting time, adjust child support for - HB 76; HB 76: HCS
Termination of parental rights, appointment of appellate counsel - HB 23
Trigg County Courthouse project, remove - HB 396: SCA(2)
Unmarried individuals, rights of - SB 245: HFA(10)
Urge
 U.S. legislators from Kentucky to reform the class action process - HCR 72
 United States legislators from Kentucky to reform tort law relating to firearms industry - HCR 74

Courts Continued

United States Senators to allow a timely floor vote on federal judicial nominees - HCR 73

Courts, Circuit

Adjournment of juries, technical correction - HB 680
Adoption records, release of - SB 75: HFA(2)
Adoption, records, release of - SB 75: HFA(1)
Amend definition of liquidated debts for courts - HB 162: HFA(1)
Child
 support, emancipation - HB 269: HCA(1)
 support, emancipation of physically or mentally incapacitated - HB 269
 support, update guidelines table - HB 75
Civil actions by public employees, statute of limitations extended - HB 308
Court
 appointed special advocates, provisions relating to - HB 189
 costs - counties without police departments - HB 413: HFA(7)
 costs - fees to counties with detention centers - HB 413: SFA(1)
 costs - local government public safety funding - HB 413: HFA(6),(8)
 costs, increased, disposition of - HB 413: SFA(2)
Death penalty, abolition of - HB 88
Divorce, abolishment of - HB 574
Drug court sites - HB 395: HFA(35)
Fees - court costs - HB 413: HFA(2)
Fees,
 accessed on cases - HB 413: HFA(3)
 telephonic behavioral health jail triage system - HB 157: SCS(2)
Foreign
 adoption, Kentucky recognition of - SB 38: SCS
 judgments of adoption, recognition of - SB 38
Judicial
 Branch Budget Memorandum - HJR 104
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Jurors, exempt persons caring for others - SB 251: HFA(1),(2)
Notification of certain alleged crimes, school principal - SB 52
Partial-birth abortion, petition for determination of necessity - HB 26
Real property lien, party with an interest in the real property - HB 222; HB 222: HCS
Uniform Child Custody Jurisdiction Act, update of - HB 91

Courts, District

Adjournment of juries, technical correction - HB 680
Amend definition of liquidated debts for courts - HB 162: HFA(1)
Child
 support, emancipation - HB 269: HCA(1)
 support, emancipation of physically or mentally incapacitated - HB 269
 support, update guidelines table - HB 75
Consumer
 contracts, Internet, jurisdiction for adjudication of claims - HB 523: HFA(1)
 contracts, jurisdiction for adjudication of claims - HB 523
Court
 appointed special advocates, provisions relating to - HB 189
 costs - counties without police departments - HB 413: HFA(7)
 costs - fees to counties with detention centers - HB 413: SFA(1)
 costs - local government public safety funding - HB 413: HFA(6),(8)
 costs, increased, disposition of - HB 413: SFA(2)
Fees - court costs - HB 413: HFA(2)

Courts, District Continued

Fees,
 accessed on cases - HB 413: HFA(3)
 telephonic behavioral health jail triage system - HB 157: SCS(2)
Guardians and conservators, no surety on bond required if restricted account - HB 679
Judges, probation and work release agency employees - HB 476
Judicial
 Branch Budget Memorandum - HJR 104
 Branch Budget Memorandum, attachment of - HJR 104: SCS
Jurors, exempt persons caring for others - SB 251: HFA(1),(2)
Marriage, judicial bypass procedure for pregnant minors - HB 146
Partial-birth abortion, petition for determination of necessity - HB 26
Real property lien, party with an interest in the real property - HB 222; HB 222: HCS
Substance abuse, involuntary treatment, petition - HB 77; HB 67: SFA (1)
Trial Commissioners, pension benefits - HB 9: HFA(1)
Uniform Child Custody Jurisdiction Act, update of - HB 91
Vital records, access of personal representative and decedent creditor to - HB 100: HCS

Courts, Fiscal

Court
 costs - counties without police departments - HB 413: HFA(7)
 costs - local government public safety funding - HB 413: HFA(6),(8)
 security officers - HB 616
Increased traffic penalties, support drivers' education - HB 356
Library boards, authorize fiscal court to make appointments - HB 120
Local event tickets, county fiscal court surcharges on - HB 586

Crime Victims

Assault in the third degree, include personnel of various emergency related services - SB 217
Child pornography, penalty increases - HB 265
Criminal injuries, hospital reporting of - HB 585
Death
 penalty, abolition of - HB 88
 penalty, torture of a minor resulting in death - HB 687
Fetal homicide - SB 4; SB 4: SFA (3)
Human trafficking, study of - HCR 210
Inappropriate sexual conduct in the presence of a minor, establish offense of - HB 367
Indecent exposure - SB 145; SB 145: SFA (1),(2), HCS
Sex offender, residence notification - HB 43; HB 161: SFA (3); HB 410: HFA (2)
Sexual
 assault and abuse, medical examinations, payment by Crime Victims' Compensation Board - SB 138: SCS
 assault and abuse, medical examinations, payments by Crime Victims' Compensation Board - SB 138
 Assault Awareness Month, declare March as - HR 175
 offenses, lack of consent, technical correction - HB 245
Shock probation, victim notification - HB 407: HFA(1)
Wounds, health facility reporting of - HB 585: HCS

Crimes and Punishments

"The Rush Limbaugh Anti-Doctor Shopping Act of 2004," cite Act as - SB 40: SFA(1)
Abortion,
 abolish - HB 441: SFA(5)
 prohibition of performance of - HB 658
Abuse of a corpse, increase penalty for - HB 560; HB 560: HCS
Academic degree, forgery of - HB 318
Add various bills relating to crimes and punishments - HB 161: SFA(5)

Crimes and Punishments Continued

Adult abuse and exploitation - HB 105: SCS
Alcohol and drug test, defrauding of - SB 86
All-terrain
 vehicles, no person under age 16 shall operate and helmets required for - HB 155
 vehicles, no person under age 16 shall operate, helmets required for - HB 132: HFA(1); HB 146: HFA (1); HB 261: HFA (2); HB 301: HFA (1); HB 324: HFA (2)
Anhydrous ammonia storage areas, fence required - HB 41
Arrest fee for sheriffs, increase - HB 565
Assault in the third degree, include personnel of various emergency related services - SB 217
Asset forfeiture funds, disbursement of - HB 477
Camera phones, prohibit improper use of - HB 689
Capital felony interrogations, require to be recorded, set conditions for use/time for destruction - HB 390: HCS
Capitol felony interrogations, require recording, set conditions for use/schedule for destruction - HB 390: HFA(1)
Change title to "AN ACT relating to controlled substances" - SB 163: HCA(1)
Checks, rental payments - HB 698
Child
 pornography, make possession of a Class D felony for first offense - HB 366
 pornography, penalty for possession - HB 312
 pornography, penalty increases - HB 265
 sex abuse, change statute of limitations - HB 302
Civil rights, constitutional amendment to provide restoration of - HB 552
Cloning of humans, prohibition of - HB 171
Concealed
 deadly weapon - SB 95: HFA(3)
 deadly weapon license, military may apply - SB 83
 deadly weapons - SB 95: HFA(2)
 weapon, carrying in detention facility - HB 18
 weapons, permit state probation and parole officers to carry - HB 374
Controlled
 substance endangerment to a child - SB 163; SB 163: HFA (1),(3)
 substance, endangerment to a child - SB 163: SCS, SFA (1), HCS (1),(2)
 substances, electronic reporting, penalty for unauthorized sharing of data - SB 14; SB 14: SFA (1)
 substances, possession in non-original container, dismissal if valid prescription - HB 359: HCS
 substances, possession of nonoriginal container, repealed - HB 359
Convicts, home incarceration for - HB 409; HB 161: SFA (3); HB 409: HCS
Court costs - funds for sheriffs in counties without cities - HB 413: HFA(1)
Credit and debit card, protection of - HB 7
Criminal mischief, cattle within scope of offense - HB 264: SFA(2), HCS
Cruelty to animals, pecuniary loss of $1,000 or more - HB 264
Death
 penalty for juveniles, elimination of - HB 475
 penalty, abolition of - HB 88
 penalty, torture of a minor resulting in death - HB 687
Definitions, technical clarification - HB 105: SFA(1)
Destructive research on human embryo, prohibit - HB 170
Dietary supplement products containing ephedrine group alkaloids, prohibition against sale of - HB 110
DNA, collection, any felony - HB 119
Domestic violence order, consecutive sentencing - HB 353
Driving under the influence, substances other than alcohol - HB 536
Drug
 offense, carrying firearm during commission of - HB 547: HCS
 offense, possession of firearm - HB 547: HFA(1)
 offense, use or carrying of firearm during - HB 547

Crimes and Punishments Continued

DUI, persons under 21 - HB 431
Elder
 abuse, caretaker penalties for - HB 105: HCS
 abuse, reports of and duties relating to - HB 105; HB 105: HFA (2)
Euthanasia by gunshot, penalty for - HB 264: SFA(1)
Execution of persons aged 16 or 17 - HB 395: HFA(16)
Expungement
 of records, Class D felony/misdemeanors - HB 371
 of records, Class D felony/Misdemeanors - HB 371: HFA(1)
Failure to return to custody, establish offense of - HB 666
Felony
 interrogations, require audio or video recording, conditions for use and destruction of - HB 390
 murder - SB 25
Fetal
 homicide - SB 4; SB 4: SFA (3)
 homicide, creation of crime - HB 108: HCS
 homicide, crime and penalty enhancement for - HB 108
 homicide, crime of - HB 3; HB 108: HFA (3),(4)
 homicide, exclude stem cell research - SB 4: SFA(1)
Fines for seat belt and infant restraint law violations, increase - HB 153
Harm reduction program, creation of - HB 83
Human trafficking, study of - HCR 210
Inappropriate sexual conduct in the presence of a minor, establish offense of - HB 367
Indecent exposure - SB 145; SB 145: SFA (1),(2), HCS
Injuries, hospital reporting of - HB 585
Injury to pregnant woman, penalties, exemptions - HB 108: HFA(5)
Inmate lawsuits - HB 389; HB 161: SFA (3); HB 389: HCS
Interstate compact for juveniles - HB 6; HB 6: HCS, HFA (1)
Justice and Public Safety Cabinet, reorganization of - SB 155
Juvenile Justice, detention hearings, services, registration - HB 550; HB 550: HCS, HFA (1),(2)
KASPER, define which peace officers may request reports - SB 14: HFA(4)
Law enforcement, duties and responsibilities of officers - HB 715
Livestock,
 tampering and sabotaging, prohibition of - SB 209: HFA(1)
 tampering, penalty - HB 264: SCS
Long term care facility, record check requirements - SB 189: SFA(1)
Long-term
 care facilities, crimes prohibiting employment in - SB 189
 care facility inspections, penalty for prior notification of - HB 159
 care facility, record check requirements - SB 189: SCS
Manslaughter in the first degree technical corrections - HB 257
Massage therapist violations, fines for - HB 527
Methamphetamine
 precursor, technical correction - HB 25: HFA(1)
 precursors, controls on sale - HB 118
Methamphetamine,
 chemicals and equipment for manufacture - HB 27, 182
 direct Justice Cabinet to establish a work group to study problem in Commonwealth - HB 424; SB 155: HCA (2)
 possession of chemical or equipment to manufacture - HB 24
 unlawful manufacture of - HB 25; HB 25: HCS
MIRET devices, unauthorized use of, penalties for - HB 141: HCS
Mobile infrared transmitters, prevent use to change traffic signals - HB 141
Nonviolent substance abusers, parole of - HB 275
Notification of certain alleged crimes, school principal - SB 52

Crimes and Punishments Continued

Obscenity-based
  business, abatement of - HB 124
  enterprise, abatement of - HB 520
Offender registration - HB 594
Parental interference, civil remedy and crime for - HB 606
Partial-birth abortion, ban, exceptions - HB 26
Penalty for misuse of condominium funds, Class B misdemeanor - HB 137
Prohibited labor activities, penalties for violations - HB 173
Public indecency, establish offense of - HB 673
Scanning devices, intent to defraud - HB 7: HCS
School zones, double speeding fines in, technical corrections - SB 85: SCS
Sex
  offender management, study of - HCR 13
  offender registration, not always required for unlawful transaction with minor - HB 410
  offender registration, not required for unlawful transaction with minor - HB 161: SFA(3); HB 410: HFA (1)
  offender, residence notification - HB 43; HB 161: SFA (3); HB 410: HFA (2)
  offenders, chemical treatment for - HB 205
  offenders, prohibit from school grounds - HB 303; HB 303: HCS (1),(2)
Sexual
  abuse, penalty increase for specified conduct - HB 354
  offender information, distribution of - HB 247
  offenses against minors, increase penalty for attempt or solicitation - SB 102
  offenses, charge stacking - SB 102: HCS
  offenses, lack of consent, technical correction - HB 245
  offenses, penalty enhancement - HB 223
  offenses, using communications device to procure a minor - SB 102: SCS
Shock probation, limits, appeals - HB 407; HB 407: HCS
Speeding in a school zone, double fines for - SB 85; HB 350, 414
Support of dependents, crime of nonsupport - HB 363
Theft of services, child care - HB 469
Traffic right of way violations, enhanced penalties for involvement in accidents - HB 365: SCS
Trespass on retail or commercial property, shortcuts by motorists - HB 504
Unlicensed
  real estate brokerage, Class D felony for - SB 244
  real estate brokerage, designating a Class D felony for - SB 244: SCS
Unsolicited commercial electronic mail communications, prohibition of - HB 64
Work zone, speeding in - HB 514
Wounds, health facility reporting of - HB 585: HCS

Criminal Procedure

"The Rush Limbaugh Anti-Doctor Shopping Act of 2004," cite Act as - SB 40: SFA(1)
Abortion, prohibition of performance of - HB 658
Academic degree, forgery of - HB 318
Add various bills relating to crimes and punishments - HB 161: SFA(5)
Adult abuse and exploitation - HB 105: SCS
Agritourism, liability, protection from - HB 444
Arrest fee for sheriffs, increase - HB 565
Asset forfeiture funds, disbursement of - HB 477
Capital
  felony interrogations, require to be recorded, set conditions for use/time for destruction - HB 390: HCS
  trials, required witness disclosures - HB 335
Capitol felony interrogations, require recording, set conditions for use/schedule for destruction - HB 390: HFA(1)

Criminal Procedure Continued

Change title to "AN ACT relating to controlled substances" - SB 163: HCA(1)
Checks, rental payments - HB 698
Child
 pornography, penalty for possession - HB 312
 pornography, penalty increases - HB 265
Concealed
 deadly weapon - SB 95: HFA(3)
 deadly weapon license, military may apply - SB 83
 deadly weapons - SB 95: HFA(2)
 weapon, carrying in detention facility - HB 18
 weapons, permit state probation and parole officers to carry - HB 374
Controlled
 substance endangerment to a child - SB 163; SB 163: HFA (1),(3)
 substance, endangerment to a child - SB 163: SCS, SFA (1), HCS (1),(2)
 substances, electronic reporting, penalty for unauthorized sharing of data - SB 14; SB 14: SFA (1)
 substances, possession in non-original container, dismissal if valid prescription - HB 359: HCS
 substances, possession of nonoriginal container, repealed - HB 359
Convicts, home incarceration for - HB 409; HB 161: SFA (3); HB 409: HCS
County law libraries, alternate funding system for - HB 544
Credit and debit card, protection of - HB 7
Criminal mischief, cattle within scope of offense - HB 264: SFA(2), HCS
Cruelty to animals, pecuniary loss of $1,000 or more - HB 264
Death
 penalty for juveniles, elimination of - HB 475
 penalty, abolition of - HB 88
 penalty, torture of a minor resulting in death - HB 687
Destructive research on human embryo, prohibit - HB 170
Dietary supplement products containing ephedrine group alkaloids, prohibition against sale of - HB 110
DNA, collection, any felony - HB 119
Domestic violence order, consecutive sentencing - HB 353
Driving under the influence, substances other than alcohol - HB 536
Drug
 offense, carrying firearm during commission of - HB 547: HCS
 offense, possession of firearm - HB 547: HFA(1)
 offense, use or carrying of firearm during - HB 547
DUI, persons under 21 - HB 431
Failure to return to custody, establish offense of - HB 666
Felony
 interrogations, require audio or video recording, conditions for use and destruction of - HB 390
 murder - SB 25
Fetal
 homicide - SB 4; SB 4: SFA (3)
 homicide, creation of crime - HB 108: HCS
 homicide, crime and penalty enhancement for - HB 108
 homicide, crime of - HB 3; HB 108: HFA (3),(4)
 homicide, exclude stem cell research - SB 4: SFA(1)
Inappropriate sexual conduct in the presence of a minor, establish offense of - HB 367
Indecent exposure - SB 145; SB 145: SFA (1),(2), HCS
Injury to pregnant woman, charges and penalties, exemptions - HB 108: HFA(5)
Inmate lawsuits - HB 389; HB 161: SFA (3); HB 389: HCS
Interstate compact for juveniles - HB 6; HB 6: HCS, HFA (1)
Jailhouse informant, testimony of - HB 334
Jury
 list, compilation of - SB 251; HB 343
 service, deferment for primary caregivers - SB 251: HFA(3)

Criminal Procedure Continued

Justice and Public Safety Cabinet, reorganization of - SB 155
Juvenile Justice, detention hearings, services, registration - HB 550; HB 550: HCS, HFA (1),(2)
KASPER, define which peace officers may request reports - SB 14: HFA(4)
Long term care facility, record check requirements - SB 189: SFA(1)
Long-term care facility, record check requirements - SB 189: SCS
Methamphetamine
 precursor, technical correction - HB 25: HFA(1)
 precursors, controls on sale - HB 118
Methamphetamine,
 chemicals and equipment for manufacture - HB 27, 182
 possession of chemical or equipment to manufacture - HB 24
 unlawful manufacture of - HB 25; HB 25: HCS
Nonviolent substance abusers, parole of - HB 275
Obscenity-based
 business, abatement of - HB 124
 enterprise, abatement of - HB 520
Offender registration - HB 594
Parental interference, civil remedy and crime for - HB 606
Permit jailer to sell legal advertising space in county jail to attorneys - HB 307
Rules of evidence, amendments - HB 314
Sex
 offender management, study of - HCR 13
 offender registration, not always required for unlawful transaction with minor - HB 410
 offender registration, not required for unlawful transaction with minor - HB 161: SFA(3); HB 410: HFA (1)
 offender, residence notification - HB 43; HB 161: SFA (3); HB 410: HFA (2)
 offenders, chemical treatment for - HB 205
 offenders, prohibit from school grounds - HB 303; HB 303: HCS (1),(2)
Sexual
 offender information, distribution of - HB 247
 offenses against minors, increase penalty for attempt or solicitation - SB 102
 offenses, charge stacking - SB 102: HCS
 offenses, penalty enhancement - HB 223
 offenses, using communications device to procure a minor - SB 102: SCS
Shock
 probation, limits, appeals - HB 407; HB 407: HCS
 probation, victim notification - HB 407: HFA(1)
Support of dependents, crime of nonsupport - HB 363
Work zone, speeding in - HB 514

Data Processing

Health data, electronic transfer of - HB 216
Kentucky e-Health Information Network, creation of - HB 56
Methods of destroying records, require reasonable only - HB 140: HCA(1)

Deaths

Autopsy records, petition for access to - HB 111
Child
 abuse or neglect causing fatality or near fatality, report of - HB 671: HCS
 abuse or neglect, fatality or near fatality, report of - HB 671
Compulsory school attendance, exemption from - HB 10: HCA(1)
Criminal Justice Council - HB 161: SFA(1), HFA (1)
Death
 benefit payments for city police and firefighters - HB 566

Deaths Continued

certificate, unknown cause of death - SB 62
penalty for juveniles, elimination of - HB 475
penalty, abolition of - HB 88
Destructive research on human embryo, prohibit - HB 170
Embalmers and funeral directors, licensing requirements for - SB 143; SB 143: HFA (1)
Injury to pregnant woman, penalties, exemptions - HB 108: HFA(5)
Pain management, task force, establishment of - HJR 132
Rule against perpetuities, abolishment - HB 42
Vital records, access of personal representative and decedent creditor to - HB 100: HCS

Deeds and Conveyances

Adverse possession, increase statute of limitations - HB 166
Affidavits,
title to real estate - HB 291
title to real property - HB 291: HCS
Local airport authorities, exempt form filing affidavit of consideration - HB 331: SCS
Private property deeds, cemetery location required on - HB 559; HB 559: HCS
Real property lien, party with an interest in the real property - HB 222; HB 222: HCS
Rule against perpetuities, abolishment - HB 42
Title company, licensing of - HB 612

Disabilities and the Disabled

Access to newspapers using a telephone, Accessible Electronic Information Service Program to provide - HB 262: HFA(1)
Accessible
electronic information for, nonprofit entity providing - HB 262
Electronic Information Service Program, entities selected by the Department for the Blind - HB 262: HFA(2)
parking placards, established fines for violations of provisions - HB 419
Alternative education program, pupils with developmental disabilities - HB 653
Children, recommendations on transition to adult systems, establish committees - HB 322: SFA(1)
Civil rights, preemption of field by state - HB 659
Commission for a Healthy Kentucky, reduction of injury, goal of - SB 179: HCS
Competency hearings, permit trial by court without a jury during - HB 22; HB 22: HFA (1)
Direct support for the disabled, encourage - HR 237
Disabilities Awareness Day, recognizing - HR 71
Disability, definition of - HB 81: HFA(1)
Employment,
study a Medicaid buy-in program to support - SB 16: HFA(1); SB 17: HFA (1); SB 40: HFA (1); SB 186: HFA (1)
study and implement a Medicaid buy-in program to support - HB 60; SB 45: HFA (1)
Exemption from compulsory school attendance for home or hospital placement - HB 10
Friedreich's Ataxia, third Saturday in May recognized as - HR 110
Guardianship, affidavits and assessments, permit advance registered nurse practitioner to submit - HB 266
Handicapped
parking fines, make technical correction to distribution of - HB 71: HFA(2)
parking placards, omnibus revision of procedure to issue - HB 71: HCS
parking placards, provide for free renewal on permanent placards - HB 71: HFA(1)
Health
care decisions, persons authorized - HB 67
Professional Shortage Area, eligible primary health clinic to be located in - HB 684: HFA(1)
Hearings for exceptional child complaints, statute of limitation of two years for - SB 115: SCA(1)
Hospitalization of mentally ill, definitions - HB 242: SFA(1), HCS
Hospitals for mentally ill, expand definitions - HB 242

Disabilities and the Disabled Continued

Housing, university priority for - HB 322: SFA(4),(5),(6)
Kentucky
 Diabetes Research Board and Kentucky diabetes research trust fund, creation of - HB 685
 Diabetes Research Trust Fund, funds may be credited to - HB 685: HCS
 early intervention system, assessment and evaluation procedures - HB 260: HCS, HFA (1)
 Early Intervention System, assessment and evaluation procedures - HB 260
 Early Intervention System, make correction and addition to - SB 115: HFA(1)
Licensing, automotive mobility equipment dealers - HB 694
Local exchange telecommunications company customers, periodic surcharges rendered to - HB 262: HCS
Location of classrooms for students with disabilities, preschool students, and primary students - HB 81
Long-term
 care facility inspections, penalty for prior notification of - HB 159
 care ombudsman, area development district, full-time position for - HB 590
Medicaid
 estate recovery, undue hardship exemptions from - SB 40: HFA(7); SB 153: HFA (5)
 nonemergency transportation, eligibility for - HB 600
 prescription drug dispensing fee study, repeal of - SB 16
Medicaid,
 consumer-directed program for - HB 116: SCS
 consumer-directed services program, services and supports in - HB 116: HFA(1)
 personal needs allowance, increase of - HB 383
Mental health/mental retardation commissions, child to adult services, establish ad hoc committee - HB 322: SFA(3)
Personal and family care homes, waiver to - HB 575
Psychiatric treatment, hospitalization not to exceed 14 days - HB 67
State autism center, consultation and training by - HB 496
State-owned marinas, designate boating access area for - HB 393
Statute of limitations for claims under IDEA - SB 115; SB 115: SFA (1),(3)
Superintendents of the Kentucky Schools for the Blind and the Deaf, appointment of - HJR 153
Time limit on request for administrative hearing under IDEA, exception to - SB 115: HCS
Traumatic brain injury trust fund, direct increased fine for seat belt violations into - HB 153
Voters, assistance of - HB 635

Disasters

Administrative regulations relating to emergency action plans, direct cabinet to promulgate - HJR 196
Children, lost and missing, "Code Adam" Program - HB 251
Communications,
 wireless - HB 226: HCS
 wireless public safety systems - HB 226
Disaster
 Relief Funding Program, creation of - HB 454: HCS
 Relief Funding Program, qualifying applicants for funds - HB 454: HFA(1)
 relief funding, program for - HB 454
 relief vehicles, exempt from tolls on tolls roads - HB 473: HCS
Interlocal agreements, incentives for disaster and emergency services - HB 78; HB 78: HCS
Search dogs, use of police dogs as - HB 713

Diseases

Breast
 cancer, create a license plate with funds designated for screening fund - SB 84
 cancer, insurance coverage for - HB 227: HFA(2)
Colorectal cancer screening, health insurance, required coverage by - HB 89
Disease management, Medicaid, implementation of - HB 267
Friedreich's Ataxia, third Saturday in May recognized as - HR 110

Diseases Continued

Harm reduction program, creation of - HB 83
Health services provided to minors, parent or guardian notified when - HB 13
Hepatitis B vaccinations, require - HB 149; HB 149: HFA (1)
HIV/AIDS,
  Class A misdemeanor for disclosing identity of person with - SB 103: SCA(1); HB 82: SCS
  Health Services Cabinet, drug program requirements of - HB 516: HCS
  name reporting upon positive test for - SB 103; HB 82
  prescription drugs, prohibition on restrictions for use of - HB 516; HB 516: HFA (1)
Individual student health care plans, schools, requirements for - HB 217
Kentucky
  Diabetes Research Board and Kentucky diabetes research trust fund, creation of - HB 685
  Diabetes Research Trust Fund, funds may be credited to - HB 685: HCS
Management, Medicaid related to - HJR 136
Meningitis, information, universities to provide - HB 342: HCS
Myositis Awareness Day, September 21 of each year recognized as - HB 74
Obesity and drug addiction, universities, urge study of - HJR 65
Pain management, task force, establishment of - HJR 132
Substance abuse, involuntary treatment, procedure for - HB 77; HB 67: SFA (1)

Distilled Spirits

Alcoholic
  beverage containers, federal standards of fill, compliance with - SB 79: HFA(1)
  beverage wholesalers, allow purchase credit to retailers, limit 20 days for - SB 79
  beverage wholesalers, allow purchase credit to retailers, limit 30 days for - SB 79: SCS
Distilled spirits and wine, Sunday sales at private clubs - HB 598
Federal standards of fill, distilled spirits and wine deemed properly labeled if meeting - HB 362: HCS
Limited restaurant and golf course fees, license fee established - HB 466
Local
  government-imposed regulatory license fees, permissible use of - HB 252
  option elections coinciding with general elections, time frame for conducting - SB 154: HFA(6)
  option elections, procedures for - HB 381
National fraternal society, special private club alcohol license for - HB 597
Private club alcoholic beverage sales, Sunday sales permitted, exception to - HB 598: HFA(1)
Small and farm wineries, Sunday sales permitted - HB 239
Sunday alcoholic beverage sales at private clubs, ordinance required - HB 598: HCS
Wholesalers and retailers, minimum quantities in containers kept or sold by - HB 362

Dogs

Animal
  control, strengthening of - HB 336: HFA(5)
  shelter standards, strengthening of - HB 336: HFA(4)
  shelter, euthanasia at - HB 336: HFA(3)
Dog
  law, revision of - SB 133: HCS; HB 336: HCS
  laws, revision of - HB 336
Euthanasia,
  prohibited method - HB 264: SFA(1)
  prohibition of - HB 336: HFA(4)
  prohibition of gunshot - HB 336: HFA(6)
  restrictions on - HB 441: SFA(4)
Hunting dogs, hunters may retrieve from private lands - HB 512: HCS
Rabies vaccination requirement, cats and ferrets, removal from - HB 336: HFA(2)
Search dogs, use of police dogs as - HB 713

Domestic Relations

Child
 abuse or neglect causing fatality or near fatality, report of - HB 671: HCS
 abuse or neglect, fatality or near fatality, report of - HB 671
 support, emancipation - HB 269: HCA(1)
 support, emancipation of physically or mentally incapacitated - HB 269
 support, update guidelines table - HB 75
Definition of marriage - SB 245; HB 613; HCR 17; SB 245: HFA (1),(3),(5),(8),(9)
Divorce, abolishment of - HB 574
Domestic
 violence order, consecutive sentencing - HB 353
 violence petitioners, county attorney may represent - HB 138
Elder abuse, attorney and clergy privilege relating to reporting of - HB 105: HFA(1)
Ethnic diversity, appreciation of - HR 295
Grandparents needs, Health and Welfare Committee study of - HCR 78: SCS
Grandparents, legislative task force on raising grandchildren by - HCR 78
Homestead exemption, stacking for joint marital residence - HB 122
Marriage,
 defense of - HCR 17: HFA(1)
 definition of - SB 245: HFA(7); HR 155: HFA (1)
 judicial bypass procedure for pregnant minors - HB 146
Parental interference, civil remedy and crime for - HB 606
Permanent placement, foster care and adoption - HB 300
Placement for adoption, restrictions on - HB 358, 661
Shared parenting time, adjust child support for - HB 76; HB 76: HCS
Social Security number, protection from public disclosure in domestic relations cases - HB 445
Support of dependents, crime of nonsupport - HB 363
Unemployment insurance, benefit eligibility for victims of domestic violence - HB 360
Victims abuse, required reports regarding - HB 105: HCS

Drugs and Medicines

"The Rush Limbaugh Anti-Doctor Shopping Act of 2004," cite Act as - SB 40: SFA(1)
Abortion, prohibition of performance of - HB 658
Addiction, universities, urge study of - HJR 65
Advanced
 registered nurse practitioner, controlled substances, prescriptive authority for - HB 595: HCS
 registered nurse practitioners, controlled substance prescription authority for - HB 595: SCS
 registered nurse practitioners, controlled substance prescriptions, authority for - HB 595: SFA(1),(4)
Advertising, direct-to-consumer, urge federal restrictions on - HCR 59
Anaphylactic medications, allow students in schools to selfadminister - HB 90: SFA(7)
Anaphylaxis, epinephrine, student use of - SB 15: SCS
Anhydrous ammonia storage areas, fence required - HB 41
Board
 of Pharmacy members, appointment and terms of - SB 214: SCS
 of Pharmacy members, appointment and terms of - SB 214; HB 441: SFA (1); HB 558: SFA (2)
Boarding home dispensing, prohibition of - HB 672: HFA(1)
Change title to "AN ACT relating to controlled substances" - SB 163: HCA(1)
Charitable drug repository program, transfer of unused prescription drugs to - HB 86
Controlled
 substance data, Medicaid, use of - SB 40; HB 220; SB 14: HFA (2)
 substance endangerment to a child - SB 163; SB 163: HFA (1),(3)
 substance, endangerment to a child - SB 163: SCS, SFA (1), HCS (1),(2)
 substances, advanced registered nurse practitioner, prescriptive authority for - HB 595
 substances, electronic reporting, data sharing in system of - SB 14
 substances, electronic reporting, data sharing in system of - SB 14: SFA(1)

Drugs and Medicines Continued

 substances, possession in non-original container, dismissal if valid prescription - HB 359: HCS
 substances, possession of nonoriginal container, repealed - HB 359
Dietary supplement products containing ephedrine group alkaloids, prohibition against sale of - HB 110
Disease management, Medicaid, implementation of - HB 267
Doctors and dentists, new prescription drug protocols, continuing education for - HB 151
Driving under the influence, substances other than alcohol - HB 536
Drug
 offense, carrying firearm during commission of - HB 547: HCS
 offense, possession of firearm - HB 547: HFA(1)
 offense, use or carrying of firearm during - HB 547
Federal prescription drug discount program, Cabinet for Health Service study of - HJR 38
Flea markets, medicine and baby formula sales, prohibition on - HB 204
Harm reduction program, creation of - HB 83
Health
 benefit plan, required coverage by - HB 372: HFA(9)
 insurance, contraceptive devices and services, coverage for - HB 573
 services provided to minors, parent or guardian notified when - HB 13
 Services, program requirements relating to - SB 40: HFA(6)
HIV/AIDS prescriptions, prohibition on restrictions for use of - HB 516: HFA(1)
HIV/AIDS,
 Health Services Cabinet, drug program requirements of - HB 516: HCS
 prescriptions, prohibition on restrictions for use of - HB 516
Immunizations, reporting of - SB 184
Justice and Public Safety Cabinet, reorganization of - SB 155
KASPER system - tolerance rates for data errors - SB 14: SCS
KASPER,
 Commonwealth's or county attorney to request law enforcement data from - SB 14: HFA(3)
 define which peace officers may request reports - SB 14: HFA(4)
 reporting to - SB 14: HFA(1)
Kentucky Rx Program, establishment of - HB 351
Manufacturers,
 Kentucky Rx Program, rebates from - HB 351
 prescription drug refundable tax credit, funding by - HB 351: HCS
Medicaid prescription drug dispensing fee study, repeal of - SB 16
Medicaid,
 pharmacy, lock-in restrictions for - HB 220; SB 14: HFA (2)
 supplemental rebates, negotiation of - HB 267
Medical errors, require reporting of - HB 450: HFA(3)
Medication aides, Board of Nursing requirements for - HB 73
Mental
 illness, access to drug treatment of - SB 40: HFA(3)
 illness, Medicaid, access to drug treatment of - SB 16: HFA(3)
Methamphetamine
 precursor, technical correction - HB 25: HFA(1)
 precursors, controls on sale - HB 118
Methamphetamine,
 chemicals and equipment for manufacture - HB 27, 182
 direct Justice Cabinet to establish a work group to study problem in Commonwealth - HB 424; SB 155: HCA (2)
 possession of chemical or equipment to manufacture - HB 24
 unlawful manufacture of - HB 25; HB 25: HCS
Nonviolent substance abusers, parole of - HB 275
Pain management, task force, establishment of - HJR 132
Pharmacy practice, expand definition of - HB 341
Prescription

Drugs and Medicines Continued

drug, refundable tax credit for - HB 351: HCS
drugs, refundable tax credit for - HB 351: HFA(1)
Psychotropic, training and education relating to - HJR 58
Tax credit, prescription drug costs - HB 641

Economic Development

Broadband and cellular service for rural areas, improve access to - HJR 150
County income information available - HB 136
Covered wooden bridges, preservation of - HB 596
Economic
 Development Bonds, funding for FY 2005-2006 debt service - HB 395: HFA(38)
 Development Bonds, restore debt service funding - HB 395: HFA(28),(37)
 Development Cabinet, secretary to serve on aeronautics commission - HB 326
 development, international wagering hub, establishment and regulation of - HB 708: SCS
Enterprise
 initiative program, administrative regulations, authority to promulgate - HB 648: HFA(2)
 initiative program, company filings, Open Records Act - HB 648: HFA(2)
 Initiative Program, creation of - HB 648
 zones, designate as economic growth districts - HB 486
Excise tax on harness racetracks, exemption of - HB 708: SFA(1)
Federal
 Lab Recruitment, provide funds from Department of Corrections to support - HB 395: HFA(27)
 Lab Recruitment, provide funds from Legislative Branch to support - HB 395: HFA(33)
Government employees, working as industrial recruiters - HB 62: HFA(1)
Horse racing industry, Kentucky Horse Racing Authority, agency responsible for - SB 156
Industrial recruiters, requirement to disclose - HB 62
Job creation tax credit - HB 433
Kentucky
 Economic Development Finance Authority, restore funds to - HB 395: HFA(26),(29)
 Economic Opportunity Zones - HB 593
 e-Health Network, creation of - HB 216
 Industrial Development Act - HB 593
 Industrial Revitalization Act - HB 593
 Industrial Revitalization program - SB 248
 Investment Fund Act, provisions for - HB 292: SCS
 Jobs Development Act - HB 593
 Procurement Advisory Council, collect data on offshore outsourcing - HB 640: HCS
 Rural Economic Development Act - HB 593
KREEDA minimum wage requirements, exempt nonprofits' handicapped workers from - SB 231
Lexington/Big Sandy Rail Trail task force, study role in economic development - HCR 8
Local
 industrial development authorities, members - SB 203
 industrial development authorities, selection of members - HB 701
 option elections coinciding with general elections, time frame for conducting - SB 154: HFA(6)
NAFTA, urge Congress to repeal and end talks on Free Trade Area of the Americas - HR 139
Pennyrile
 Westpark Industrial Park, on-site operations - HJR 113: HCS
 Westpark Industrial Park, transfer, requirements for - HJR 113
Primary health care clinics, establishment of revolving loan program - HB 684
Require the authority to promulgate administrative regulations - HB 648: HFA(1)
Revitalization project, license tax credit, formula for determining - HB 593: HFA(1)
Rule against perpetuities, abolishment - HB 42
Rural
 broadband access, encourage Office of New Economy to study - HR 287

Economic Development Continued

enhancement and development committee, creation of - HB 361
Small
 and farm wineries, Sunday sales permitted - HB 239
 business regulation, reduction or waiver of penalties - HB 649
Tax
 incentives, qualified businesses - HB 700
 increment financing, development area - HB 614
 inducements - HB 700: HCS
Technical corrections - HB 593: HCS
Tourism Development Act, lodging facilities, project eligibility - HB 524

Education, Elementary and Secondary

"Competitive food," create definition of - HB 148: HFA(3),(4)
Academic degree, forgery of - HB 318
Accountability system, Kentucky School for the Deaf, Kentucky School for the Blind - SB 237; HB 644
Accountability,
 students included - HB 176
 students included in dropout rate - HB 177, 178
Administrative costs, study of - HCR 134: HFA(1)
Alternative
 certification - HB 152: SFA(1)
 education program, pupils with developmental disabilities - HB 653
Anaphylactic
 medications in school - SB 15
 medications, allow students to selfadminister - HB 90: SFA(7)
Anaphylaxis, epinephrine, student use of - SB 15: SCS
Annual average school drop-out rate, student inclusion in - HB 178: SCS
Appropriations for - HB 395: HFA(23)
Assault-related injury, leave time for - HB 311
Benefits for certified staff called to active military duty - HB 551; HB 551: HFA (1)
Beverages, requirements for sale of healthy - HB 261; HB 261: HFA (1)
Buildings, radon mitigation in - HB 145: HCS
Bullying - HB 540: HFA(1),(12)
Bullying, definition of - HB 540: HFA(6),(7)
Career and technical education student leaders, honor - HR 133
CATS accountability index, students to be counted in - HB 176: HCS
Certification of teachers - HB 152: SCS
Certification, school principals - HB 665
Certified
 personnel, evaluation of - HB 554
 staff on military leave, benefits and status of - HB 551: SCS
Character
 Education - SB 52: HFA(8)
 Education Month, designate September as - HCR 5
Cigarette tax increase - HB 107
Civic
 literacy, conference - SJR 80: HCS
 literacy, voluntary and required programs - SJR 80; HJR 129; HJR 129: HCS
Classified
 employee, definition of - SB 71; SB 71: SCS; HB 309: SFA (1)
 school employees, accumulated sick leave, use of - HB 309; HB 309: HCS
 school employees, leaves of absence for - HB 195: SFA(1)
 school employees, sick leave, reasons for granting - HB 309; HB 309: HCS
 school employees, sick leave, requirement - HB 309: HCS

Education, Elementary and Secondary Continued

Committee for Mathematics Achievement - HB 193: HFA(1)
Commonwealth
 Accountability Testing System, study of - SJR 156
 assessment and accountability system, study of - SJR 156: HCS
Compulsory
 school age, six to eighteen - HB 38
 school attendance, ages six to eighteen - HB 39
 school attendance, exemption from - HB 10: HCA(1)
Cooperative football teams, study of - HB 631: HCS
Corrections, move funds to the Department of Education - HB 395: HFA(32)
Crimes
 by students, notification to school districts - SB 52: SFA(2)
 by students, notification to school districts, disposal of records - SB 52: SFA(3)
Crimes, notification of - SB 52: SFA(1), HCS; HB 460: SFA (1),(2); HB 644: SFA (3),(4)
Data, review of - HB 645: HFA(1)
Diplomas, high school - HB 113: SCS
Disability, definition of - HB 81: HFA(1)
Drivers' education programs, funding provided - HB 356
Driver's license requirements - SB 52: HFA(7)
Drivers'
 license requirements - SB 85: HFA(1)
 licenses, educational requirements - HB 304
Dropout rate, student inclusion in - HB 178: HCS
Dual Credit Students, KEES scholarship eligibility for - HB 99
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 care, liability limitations and dispute resolution system, constitutional amendment - SB 1: SCS(2)
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- Diabetes Research Board, secretary of Cabinet for Health Services member of - HB 685: HCS
- early intervention system, assessment and evaluation procedures - HB 260: HCS, HFA (1)
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- e-Health Network, voluntary participation in - HB 216
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- care facility, employees, criminal background information about - SB 189
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- care ombudsman, area development district, full-time position for - HB 590
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- buy-in program for disabled adults, study and implement - HB 60; SB 45: HFA (1)
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- prescription drug dispensing fee study, repeal of - SB 16
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- consumer-directed services program, creation of - HB 116
- consumer-directed services program, services and supports in - HB 116: HFA(1)
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- Physician, licensure, special faculty license - HB 456; HB 456: HFA (1)
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  - health, Medicaid funding for - HB 395: HFA(14)
- Punitive damages, taxation of - HB 450: HFA(1)
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- School foods, restrictions on sale of - SB 179: HFA(2)
- Schools, food and beverage requirements for - SB 153: HFA(3),(6); SB 179: HFA (1)
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- Telehealth consultation, revised definition of - HB 115: HFA(1)
- Telehealth, asynchronous consultations, payment for - HB 115
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- Traumatic brain injury trust fund, direct increased fine for seat belt violations into - HB 153
- Wild or exotic animals, rabies, testing for - HB 336: HFA(8)

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"Daniel Boone Wilderness Trail," designate part of US 25E as - HJR 7: HFA(1)
"Euris Chaney Connector," designate in Calloway County - HJR 40
"John C. Cline Memorial Bridge," designate in Martin County - HJR 69
"Kentucky Veterans Highway," designate in Bell County - HJR 42
"Lloyd Rogers Highway," designate in Campbell County - HJR 209
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 motor vehicles, amend penalties relating to - HB 357: HFA(1)
 vehicles, clarify notification to owner of vehicle - HB 357: HFA(2)
 vehicles, reduce time before vehicle may be sold - HB 357: HFA(3)
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Agritourism highway signs, mandate Transportation Cabinet to promote usage of - HJR 43
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 vehicles, no person under age 16 shall operate, helmets required for - HB 132: HFA(1); HB 146: HFA (1); HB 261: HFA (2); HB 301: HFA (1); HB 324: HFA (2)
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Billboards, vegetation control permits, allow on highways other than interstates - SB 114: SFA(1)
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Construction permit for repairing existing structures crossing streams, exempt local government from - HB 179
Consultants working on a highway project, delete fine for certain violations - SB 2: SFA(2)
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 roads, create limited exemption on minimum right-of-way - HB 199: HCS
 roads, lack of maintenance precludes inclusion in county road system, delete - HB 199: HFA(1)
 roads, minimum right of way, exempt existing roads - HB 199: SCS
Dudley Riley Bridge, name on KY 109 near Dawson Springs - SB 160: HFA(4)
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Hal Rogers Parkway, rename Daniel Boone-Hal Rogers Parkway - HJR 7
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I-65 Jefferson County, name in memory of Dr. Martin Luther King, Jr. - HJR 107
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 109, bridge over Trade Water River, name in honor of Dudley Riley - HJR 55
 11, extend designation as "The Veterans Highway" - HJR 147: HFA(1)
 11, Powell and Montgomery Counties, designate as "The Veterans Highway" - HJR 147
 112, Hopkins Co., name in honor of Dr. Loman Trover - HJR 54
 1336 access point to the relocated KY 11 - SB 100: HCA(2)
 1357, Hardin County, name in memory of Sheriff Bobby Thomas - SB 160: HFA(1)
 1357, Hardin County, name the "Sheriff Bobby Thomas Memorial Highway" - HJR 11
 15 in Breathitt County, name in honor of veterans - HJR 9
 519, Morgan County, urge a bridge to be named in memory of William Lykins - HR 140
 72, Harlan Co., name segment in memory of victims of 1932 Yance Mine Disaster - HJR 10
 72, Harlan Co., name segment in memory of victims of 1932 Yancey Mine Disaster -HJR 7: SCA (1)
 74, designate as the Hobart Dail Sowders Memorial Highway in Bell County - HJR 212
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Paris By-pass, Bourbon County, rename Thoroughbred Run - HJR 91
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  Development Act, eligibility for lodging - HB 593: SFA(1)
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 assistant, temporary certificate - HB 456; HB 456: HFA (1)
 assistant, temporary certificate for - SB 276
Physician, special faculty - HB 456: HFA(1)
Private investigators, licensing required, exemptions from - SB 75: HCS
Racing
 Authority membership, geographic diversification required - SB 156: HFA(1)
 Authority membership, political affiliation requirements - SB 156: HFA(1)
Real estate brokers, duties of and commission jurisdiction over - SB 244; SB 244: SCS
Simulcasting, international wagering hub, establishment and regulation of - HB 693; HB 708: SCS
Small and farm wineries, Sunday sales permitted - HB 239
Social
 workers, certification or licensure requirements for - SB 88; HB 160; HB 160: HCS
 workers, licensing of - HB 667
Surgical
 assistants, certification of - SB 206: SCS, SFA (1)
 assistants, licensing of - SB 206
Teachers of barbering, maximum renewal fees for - HB 437
Title company, licensing of - HB 612
Tongue splitting, practice, limitations on - HB 14
Veterinarians,
 biennial renewal periods for - SB 133; HB 441
 renewal of - SB 133: HCS

Liens

Delinquent property taxes, includes reasonable attorney fees - HB 421
Liens filed for labor and materials in county clerk's office, change filing deadline for - SB 174
Marginal entry records, require county clerks to maintain - HB 402
Obscenity-based
 business, abatement of - HB 124
 enterprise, abatement of - HB 520
Real property lien, party with an interest in the real property - HB 222; HB 222: HCS

Liens Continued

Storage lien on vehicles, reduce time period before lien holder can sell vehicle - HB 357: HCS(2)
Title company, licensing of - HB 612
Towing abandoned vehicles, omnibus revision of provisions governing - HB 357

Lieutenant Governor

Gubernatorial slating, changes in - HB 538
Nepotism provisions - HB 1; HB 1: HFA (1)
Public financing for gubernatorial slates, repeal of - HB 344: SCS
Runoff primary, repeal of - HB 344: SCS
State/Executive Branch Budget Memorandum - HJR 103

Loans and Credit

Consumer loans, maximum interest - HB 215
Credit card solicitations on college campuses, regulation of - HB 63
Debt collection, make provisions for forgivable loan agreements - HB 162: HFA(2)
High-cost home loans, limitations on - HB 707
Insurance, restrict use of credit inquiries - HB 530, 532
Kentucky Agricultural Finance Corp, broaden applicants qualifying for loans from - SB 146

Local Government

Abandoned
 urban property, allow all cities to levy tax on - HB 373: HCS
 urban property, allow cities of the second class to levy tax on - HB 373
Adjustment fee for unescorted retirees - HB 11: HCS
Adult entertainment or material, zoning requirements relating to - HB 521
Agencies, consolidate local governments - HB 476
Airport
 boards, limits on contract performance - HB 331
 boards, officers, employees, and responders, immunity and liability for - HB 379
Alcoholic beverages, local license fees, permissible use of - HB 252
Amend tax referendum process - SB 70
Authorized office expenses, sheriffs and county clerks - HB 258
Board of directors for sanitary and storm water systems, powers and duties of - SB 197: SCS
Boarding home registration, enforcement of - HB 672: HFA(1)
Building inspectors, prohibitions placed on - HB 147
Buildings,
 environmental toxins, task force and inspections involving - HB 132
 radon mitigation in - HB 145: HCS
Casinos, local government approval required for - HB 636
Cellular telephones, purchase and operation for emergency services personnel - HB 180
CERS, retirees, increase in benefits - HB 528
Children, lost and missing, "Code Adam" Program - HB 251
Cities of 2nd through 6th class, enlargement or reduction of territory across county lines by city - HB 294
Cities,
 annexation, map requirement - HB 619
 boundary changes, mapping requirements - HB 619: HFA(1)
 cemeteries, use of as contemplative walking paths - HB 404: SFA(1)
 property, sale of real and personal owned by city, methods of - HB 438
City
 annexation, notification of intent to annex - HB 682
 property, transfer for economic development purposes - HB 438: SFA(1)
Civil rights, preemption of field by state - HB 659
Clerks,
 fees, copying - HB 611: HFA(1)

Local Government Continued

fees, increase in selected - HB 611
fees, reduce the increase in two fees - HB 611: HCS
records maintenance - HB 611
Coal severance tax and local assistance fund, use for Medicaid state match - HB 502: HCS
Code
enforcement boards, hearing officers for - HB 668: HFA(1)
enforcement boards, service of citations - HB 143, 668
Commission for Healthy Kentucky, creation of - SB 179
Confiscated
firearms, disposition of - HB 156: HFA(2); HB 413: HFA (4); HB 570: HFA (2)
firearms, disposition of for firearms or equipment - SB 83: HFA(1)
firearms, may be exchanged - SB 83: HFA(2)
Consolidated local governments, zoning, firearms dealers, manufacturers, and importers - SB 95: HCA(1)
Constables, blue lights and siren, use of - HB 531
Construction permit for repairing existing structures crossing streams, exempt local government from - HB 179
Consumer
protection, price gouging during an emergency, prohibit - HB 471: HCS
protection, price gouging during an emergency, prohibition - HB 471
Contractor certification program, residential and light commercial, local administration of - HB 277
County
clerks, document recording and archiving - HB 328
clerks, fees for duplicating - HB 669
consolidation, process for - HB 289
detectives appointed by county attorneys, powers and training of - HB 703: HFA(1)
detectives, give power of arrest in county and right to execute process statewide - HB 703
Employees Retirement System, disability benefits for new employees - HB 519
law libraries, alternate funding system for - HB 544
police force appointment by county judge/executives, change from 1 year to 4 year contract - HB 156
police force contracts, change for 1 year to 4 - HB 156: HFA(1)
roads and public roads, adoption into county system, omnibus revision - HB 199
Court
costs - fees to counties with detention centers - HB 413: SFA(1)
costs, additional fees for local police departments - HB 413
Death benefit payments for city police and firefighters - HB 566
Delinquent taxes, consolidated local government, disposition of when from former city of first class - HB 510
Disaster
Relief Funding Program, creation of - HB 454: HCS
Relief Funding Program, qualifying applicants for funds - HB 454: HFA(1)
relief funding, program for - HB 454
Distilled spirits and wine, Sunday sales at private clubs, ordinance for - HB 598
Elected county officials, salary and benefits if reemployed after retirement - HB 201
Emergency
services boards, taxing authority - HB 427
telephone services, local taxation for equipment and supplies - HB 174
Eminent Domain, study of - HCR 184
Employees, working as industrial recruiters - HB 62: HFA(1)
Employment of retirees, restrictions - HB 15: HCS, HFA (1)
Enterprise zones, designate as economic growth districts - HB 486
Fee for CERS retirees health insurance - HB 11: SFA(1)
Fees, accessed on cases and distribution of to police departments - HB 413: HFA(3)
Fire
districts operating an emergency ambulance service, allow levy up to .20 cents tax by - HB 406
protection districts, limitations on board of trustees, removal of - SB 195

Local Government Continued

protection districts, merger - HB 412
Hand-held mobile telephones, use in moving vehicles, prohibition of, local law superceded - HB 602
Health services provided to minors, parent or guardian notified when - HB 13
Historic rock fences, encourage documentation and preservation of - HCR 204
Homeland security funding, reporting requirements - SB 55
HVAC permitting process, allowing local participation - HB 497
Industrial recruiters, requirement to disclose - HB 62
Insurance
premium surcharge, penalty fee - HB 139
premium taxes, refund of fees or taxes paid to wrong local government - HB 139: HFA(1)
Interlocal
agreements, incentives for - HB 78; HB 78: HCS
agreements, making provisions for - HB 109: HCS(2)
agreements, provisions affecting - HB 109: HCS(1)
agreements, provisions affecting counties - HB 109
Internet advertisement for bids, allow the use of by local governments - HB 583
Jail
inmates, behavioral health risk assessment - SB 64; SB 64: SCS, HFA (1),(2),(3),(4)
inmates, transportation of misdemeanants - SB 64: HFA(5)
Joint Parks Department, creation of - HB 4
Junk automobiles, local government removal under nuisance ordinance - HB 584
Kentucky
residency requirements for public servants, make permissive - SB 60: SFA(1)
Retirement Systems, delinquent contributions, penalty - HB 519
Land use, alternative dispute resolution - HB 133
Lex-Fayette County, resolution urging pay increase for police and firefighters - HR 208, 250
Lexington/Big Sandy Rail Trail task force, creation of - HCR 8; HCR 8: HCS
Library boards, authorize fiscal court to make appointments - HB 120
Liens filed for labor and materials in county clerk's office, change filing deadline for - SB 174
Local
employees, planning and zoning training and residence requirements - SB 60: HCS
event tickets, county fiscal court surcharges on - HB 586
governments, exempt from insurance premium tax on bonds issued by the local government - HB 19
industrial development authorities, members - SB 203
industrial development authorities, selection of members - HB 701
ordinances affecting farm equipment, void - SB 129
Manufactured and mobile homes, inspection - SB 109: HFA(1)
Marginal entry records, require county clerks to maintain - HB 402
Motorcycle awareness signs, permit local governments to erect in the right-of-way - HB 384
Net
metering, retail electric service, provision for - HB 490
profits tax, submission of federal tax return - HB 271
Northern Kentucky VET testing, elimination of - HJR 12
Nuisance abatement - HB 584: HCS
Nuisance, application of - HB 584: HFA(1)
Open meetings/open records information, preparation and distribution to local governments - HB 263
Ordinances affecting farm equipment, exemptions from - SB 129: SCA(1)
Pennyrile
Westpark Industrial Park, on-site operations - HJR 113: HCS
Westpark Industrial Park, transfer, requirements for - HJR 113
Permit jailer to sell legal advertising space in county jail to attorneys - HB 307
Planning
and zoning, agricultural use, set parameters for equine uses - SB 156: HFA(2); HB 404: SFA (2),(5)
and zoning, commissions and related boards and personnel, omnibus revisions - HB 388: HCS
and zoning, comprehensive plans - HB 388: HCS

Local Government Continued

and zoning, location of firearms dealers, manufacturers, and importers - SB 95: HFA(4),(5)
commissions and related boards and personnel, omnibus revisions - HB 388
units, census of, request Interim Joint Committee on Local Government to conduct - HCR 198
Plumbing
inspections, local government, conduct by, conditions to be met - SB 148: HCS
petitions, grant by local government or commissioner - HB 485
Private property, governmental actions affecting - HB 581
Property
tax assessment and PVA administration fund, creation of - HB 339
tax, assessment of - HB 518
Public
display of fireworks, permit for - SB 273
servants, employment requirements for - SB 60; SB 60: SCS; HB 9: HCS
Radon mitigation systems, installation in new buildings - HB 145
Reemployment
of retirees and officials, restrictions on hiring - SB 150: HFA(1); SB 151: HFA (1); SB 154: HFA (3); SB 155: HFA (2)
of retirees, restrictions on hiring - HB 15; SB 60: HFA (2)
Road fund aid programs, supplemental fuel tax receipts - HB 664
Sanitary
and storm water systems, board of directors for, powers and duties of - SB 197
and storm water systems, improvements to, appeals to board - SB 197: SFA(1)
School zones, flasher lights for, maintain in proper working order - HB 350: HFA(2)
Sex offender management, study of - HCR 13
Sexual
entertainment or material, zoning requirements relating to - HB 125
orientation and gender identity, discrimination based on, prohibit - HB 338
Sheriff, special deputies - HB 258: SCS
Sheriffs, office expenses - HB 258: HCA(1)
Special districts - sanitation districts - SB 197: HCS
Sunday alcoholic beverage sales at private clubs, ordinance required - HB 598: HCS
Tapping fees, exemption of local governments from - HB 686
Tax
collection in consolidated local governments - HB 457, 697
increment financing, development area - HB 614
information, report of - HB 518: HCS
Tobacco use and consumption, state preemption of the field - HB 66
Transient room tax, certain local governments may levy in addition to 1% transient room tax - SB 60: HFA(3); SB 150: HFA (5); SB 151: HFA (4)
Vehicle emission testing programs, exempt cars four model years and newer - HB 53
Volunteer fire departments, additional monetary award for continuing education - HB 436: HFA(1)
Waste, 6-1-1 system for reporting of - HR 188: HFA(1)
Zoning definitions, agricultural use, include various horse-related activities - HB 404
Zoning, firearms manufacturers, importers, and dealers - SB 95: HFA(1)

Local Mandate

Abandoned vehicles, towing procedures for, define owner - HB 357: HCS(1)
Adjustment
fee for unescorted retirees - HB 11: HCS
fee for unescorted retirees, payment of - HB 11
Adult entertainment or material, zoning requirements relating to - HB 521
Adverse possession, increase statute of limitations - HB 166
Advertising special license plate, create to promote design talent in Kentucky - HB 168
Affidavits,

Local Mandate Continued

title to real estate - HB 291
title to real property - HB 291: HCS
Agencies, formation of adult misdemeanant probation and work release agency - HB 476
Alcohol and drug test, defrauding of - SB 86
All-terrain
vehicles, no person under age 16 shall operate and helmets required for - HB 155
vehicles, no person under age 16 shall operate, helmets required for - HB 146: HFA(1); HB 301: HFA (1); HB 324: HFA (2)
Amend tax referendum process - SB 70
Anhydrous ammonia storage areas, fence required - HB 41
Authorized office expenses, county clerks and sheriffs - HB 258
Autopsy records, petition for access to - HB 111
Board of Home Inspectors, membership revised - SB 34: HCS
Breast
Cancer Awareness license plate, create - SB 84: SCS
cancer, create a license plate with funds designated for screening fund - SB 84
Casinos and racetracks gaming operations, omnibus bill - HB 637
Cemetery laws, failure to enforce, fines imposed for - HB 559; HB 559: HCS
Certificates of delinquency, interest attaches to fees on - SB 204
Certification requirements for peace officers and court security officers - HB 616
Child pornography, penalty for possession - HB 312
Choose
Life license plate, establish - SB 39
life license plates, establish - SB 39: SCS
Cities, annexation, map requirement - HB 619
City property, methods of sale or disposition of - HB 438
Civil rights, preemption of field by state - HB 659
Clerks,
fees, increase in selected - HB 611
fees, reduce the increase in two fees - HB 611: HCS
Cloning of humans, prohibition of - HB 171
Colorectal cancer screening, health insurance, required coverage by - HB 89
Commercial vehicles, exempt drivers from citation or conviction of violations caused by employers - HB 495
Commission on the Deaf and Hard of Hearing, special license plate for - SB 18
Communications wireless - HB 226: HCS
Communications, wireless public safety systems - HB 226
Consumer
protection, price gouging during an emergency, prohibit - HB 471: HCS
protection, price gouging during an emergency, prohibition - HB 471
Contractor certification program, residential and light commercial, insurance requirements for - HB 277
Controlled
substance endangerment to a child - SB 163
substance, endangerment to a child - SB 163: SCS, HCS (2)
substances, electronic reporting, data sharing in system of - SB 14
substances, possession in non-original container, dismissal if valid prescription - HB 359: HCS
substances, possession of nonoriginal container, repealed - HB 359
County
clerk fees for administering special license plate donations, increase - HB 172: HCS(1)
clerks, fees for duplicating - HB 669
consolidation, process for - HB 289
election officers, payment for - HB 209
police force appointment by county judge/executives, change from 1 year to 4 year contract - HB 156
roads system, omnibus revision - HB 199
Court costs - additional fees for local police departments - HB 413

Local Mandate Continued

- Credit and debit card, protection of - HB 7
- Delinquent
  - property taxes, collection costs - HB 421
  - taxes, disposition of when from former city of first class - HB 510
- Dietary supplement products containing ephedrine group alkaloids, prohibition against sale of - HB 110
- Dog
  - law, revision of - HB 336: HCS
  - laws, revision of - HB 336
- Driving under the influence, substances other than alcohol - HB 536
- Elder
  - abuse, caretaker penalties for - HB 105: HCS
  - abuse, reports of and duties relating to - HB 105
- Election expenses, reimbursement for - HB 209: HCS
- Electronic gaming at race tracks, part of state lottery, omnibus bill - HB 45
- Enlargement or reduction of territory across county lines by city - HB 294
- Enterprise zones, designate as economic growth districts - HB 486
- Expungement of records, Class D felony/misdemeanors - HB 371
- Failure to return to custody, establish offense of - HB 666
- Fetal homicide, crime and penalty enhancement for - HB 108
- Firearms dealer, zoning restrictions prohibited - SB 95
- Firefighter license plate, allow professional firefighters to acquire - SB 106
- Genetic testing, prohibition against employer's use of - HB 234
- Gubernatorial campaign finance, requirements for - HB 538
- Hand-held mobile telephones, use in moving vehicles, prohibition of, local law superceded - HB 602
- Harm reduction program, creation of - HB 83
- Health services provided to minors, parent or guardian notified when - HB 13
- Highway work zones, penalty for failure to illuminate lights, delete - HB 514: HCS
- HIV/AIDS,
  - Class A misdemeanor for disclosing identity of person with - SB 103: SCA(1); HB 82: SCS
  - name reporting upon positive test for - SB 103
- Home inspectors license, requirements for - SB 34; SB 34: SCS
- Homeland security funding, reporting requirements - SB 55
- Homestead exemption, stacking for joint marital residence - HB 122
- HVAC permitting process, creation of - HB 497
- Inappropriate sexual conduct in the presence of a minor, establish offense of - HB 367
- Indecent exposure - SB 145; SB 145: HCS
- Jail inmates, behavioral health risk assessment - SB 64: SCS
- KASPER system - tolerance rates for data errors - SB 14: SCS
- Kentucky
  - Colonels, create special license plate for - SB 87
  - Walking Horse Association, create special license plate for - HB 699
- KY Quarter Horse Association, special license plate for - HB 533
- Land use, alternative dispute resolution - HB 125
- Law enforcement agency, specialized training, when required - HB 368
- Library boards, authorize fiscal court to make appointments - HB 120
- Licensing, renewal of - SB 133: HCS
- Limited restaurant and golf course fees, license fee established - HB 466
- Local
  - employees, planning and zoning training and residence requirements - SB 60: HCS
  - governments, exempt from insurance premium tax on bonds issued by the local government - HB 19
  - Mandate - HB 7, 105
  - ordinances affecting farm equipment, void - SB 129
  - tax statutes, amendments to - HB 458
- Long-term care facility inspections, penalty for prior notification of - HB 159
- Marginal entry records, require county clerks to maintain - HB 402

Local Mandate Continued

- Medication aides, Board of Nursing requirements for - HB 73
- Methamphetamine precursors, controls on sale - HB 118
- Methamphetamine, unlawful manufacture of - HB 25
- Military discharge papers, release and destruction of - HB 225
- Minimum wage revision - HB 186
- MIRET devices, unauthorized use of, penalties for - HB 141: HCS
- Motor
  - carriers, registration and taxation violations, impoundment for - HB 495: SCS
  - fuel taxes, supplemental tax imposed - HB 664
  - vehicle identification numbers database - HB 29
  - vehicle registration supplement fund, creation of - HB 348
  - vehicles, require to be registered in the county of the purchaser's residence - HB 399
- Net
  - metering of electricity to residential customers with photovoltaic generation - HB 490: HCS
  - metering, retail electric service, provision for - HB 490
- Northern Kentucky Baptist Association, create a special license plate for - HB 375
- Open meetings and open records information, dissemination to local governments and school districts - HB 263: HCS
- Parental interference, civil remedy and crime for - HB 606
- Peace officer training - HB 212
- Planning
  - and zoning, commissions and related boards and personnel, omnibus revisions - HB 388: HCS
  - commissions and related boards and personnel, omnibus revisions - HB 388
- Police
  - officers and firefighters of an urban-county govmt., collective bargaining, provisions for - HB 572
  - officers, collective bargaining in a consolidated local government, provisions for - HB 570
- Premium taxes, collection and remittance of - HB 503
- Preparation and distribution of open meetings/open records information - HB 263
- Private property, governmental actions affecting - HB 581
- Property tax, motor vehicles, exemption of - HB 107
- Public
  - funds, prohibition from use for abortion-related education or counseling - HB 32
  - indecency, offense of, exceptions to - HB 673
- Radon mitigation systems, installation in new buildings - HB 145
- Relay for Life special license plate, collection of voluntary contributions - SB 104
- Retirement
  - benefits for police and firefighters - SB 139
  - benefits, new employees - HB 290
- Retirement, benefits for new employees - HB 290: HCS
- Salary and benefits if reemployed after retirement - HB 201
- Scanning devices, intent to defraud - HB 7: HCS
- Sex
  - offender, residence notification - HB 43; HB 410: HFA (2)
  - offenders, chemical treatment for - HB 205
- Sexual
  - entertainment or material, zoning requirements relating to - HB 125
  - offenses against minors, increase penalty for attempt or solicitation - SB 102
  - offenses, charge stacking - SB 102: HCS
  - offenses, penalty enhancement - HB 223
  - offenses, using communications device to procure a minor - SB 102: SCS
- Small and farm wineries, Sunday sales permitted - HB 239
- Special
  - deaf and hard of hearing license plate, establish - SB 18: SCS
  - EMS license plates, establish - SB 193
  - license plate, creation of - SB 106: HFA(6),(7),(14)

Local Mandate Continued

license plates, establish guidelines for Transportation Cabinet to follow prior to issuing - HB 172: HCS(3)
license plates, omnibus revision of provisions governing - HB 172
license plates, remove clerk from process to retain and distribute funds to groups - HB 172: HCS(2)
State-owned marinas, designation of a boating access area for handicapped required - HB 393
Substance abuse, involuntary treatment, petition - HB 77
Support the Arts, Support Public Education, create special license plates for - SB 202
Tax
collection in urban service districts - HB 457, 697
recall procedures - SB 70: SCS
Technical correction - SB 87: SCS
Telecommunications, broadband services, deregulation of - SB 215
Tobacco
surtax, funding from - HB 310
use and consumption, state preemption of the field - HB 66
Tongue splitting, finding of therapeutic or clinical basis required - HB 14
Towed vehicles, reduce time period before lien holder can sell vehicle - HB 357: HCS(2)
Towing abandoned vehicles, omnibus revision of provisions governing - HB 357
Traffic signals, prevent use of mobile infrared transmitters to change - HB 141
Vehicle
emission testing program, county clerk fee - HB 423
identification numbers, monthly report by insurers - HB 29: HCS
Zoning definitions, agricultural use, include various horse-related activities - HB 404

Lottery

Electronic
gaming at race tracks, part of state lottery, appropriations - HB 46
gaming at race tracks, part of state lottery, omnibus bill - HB 45
Government programs, mention in advertising - HB 80
Gross revenues, compulsive gamblers assistance fund, partial funding for - HB 144
Lottery game created, proceeds used for veterans' programs - HB 274; HB 274: HCS
Permit advertising of government programs funded by the lottery - HB 154
Sectarian instruction, KEES scholarship permitted for - HB 28

Malt Beverages

Alcoholic
beverage wholesalers, allow purchase credit to retailers, limit 20 days for - SB 79
beverage wholesalers, allow purchase credit to retailers, limit 30 days for - SB 79: SCS
beverages omnibus bill - HB 466
Brewers and importers, agreements with distributors requirement of - HB 362: SCS(2)
DUI service fee, increase and allocation of - HB 157: SCS(1)
DUI, persons under 21 - HB 431
Local government-imposed regulatory license fees, permissible use of - HB 252
National fraternal society, special private club alcohol license for - HB 597

Medicaid

Adult day centers, advisory council for - SB 17: HFA(3); HB 90: SFA (1)
Advisory council, adult day representation on - SB 17: HFA(4)
Breast-feeding, encouragement of - HB 646
Buy-in
program, study - SB 16: HFA(1); SB 17: HFA (1); SB 40: HFA (1); SB 186: HFA (1)
program, study and implement - HB 60; SB 45: HFA (1)
Care management, implementation of - HJR 136
Children's psychiatric treatment facilities, location and beds - HB 90: HCS
Consumer-directed

Medicaid Continued
 program for - HB 116: SCS
 services program, allocation of funds - HB 116: HCS
 services program, creation of - HB 116
 services program, services and supports in - HB 116: HFA(1)
Controlled substance data, use of - SB 40; HB 220; SB 14: HFA (2)
Critical access hospital, expand services of - HB 323
Disease
 management, implementation of - HB 267; HJR 136
 management, supplemental rebates, funding for - HB 267
Encourage maximization of resources available for Medicaid - HB 502: HCS
Estate
 recovery, exemptions from - HB 580
 recovery, requirements for - HB 580: HCS
 recovery, undue hardship exemptions from - SB 40: HFA(7); SB 153: HFA (5)
Health care partnership, regions 6 and 7, development of - HB 255
Hearings and policy changes, temporary suspension of - HB 337
HIV/AIDS, prescription drugs, prohibition on restrictions for use of - HB 516; HB 516: HFA (1)
Home
 and community-based waiver, eligibility for - SB 189: HFA(1)
 and community-based waiver, prohibit exclusions from - SB 40: HFA(4)
Human service transportation delivery, eligibility for - HB 600
Kentucky
 e-Health Information Network, creation of - HB 56
 e-Health Network, exclude required participation in - HB 216
 Rx Program, prior authorization related to - HB 351
Long-term
 care facility inspections, penalty for prior notification of - HB 159
 care ombudsman, area development district, full-time position for - HB 590
 care staffing committee, nursing staff requirements developed by - HB 158
Managed care, transportation, prior approval for - SB 183
Medicaid Oversight and Advisory Committee, jurisdiction of - SB 17; HB 288; HB 90: SFA (6)
Mental illness, prohibit prior authorization of drugs to treat - SB 16: HFA(3); SB 40: HFA (3)
PACE, implementation of - SB 186
Personal needs allowance, increase of - HB 383
Pharmacy and Therapeutics Advisory Committee, preferred drug list, responsibilities of - HB 267
Prescription
 drug dispensing fee study, repeal of - SB 16
 drug rebates, state plan amendment for - HB 351: HFA(1)
 drug refundable tax credit, manufacturer rebates for funding of - HB 351: HCS
 drugs, requirements for - SB 40: HFA(6)
Provider
 tax and payments to hospitals - HB 643
 tax for - HB 292: SCS
Psychiatric treatment facilities, requirements for expansion of - HB 90: SCS
Recipients, lock-in restrictions for - HB 220; SB 14: HFA (2)
Resources available for Medicaid, maximization of, encourage - HB 502
State Interagency Council, add members - SB 188
Substance abuse treatment, coverage for - HB 220; SB 14: HFA (2)
Technology improvement, implementation of - HJR 136
Telehealth consultation, revised definition of - HB 115: HFA(1)
Telehealth, asynchronous consultations, payment for - HB 115
The Molly Mosley Act of 2004, citation as - HB 580: HFA(1)
Tobacco surtax, funding from - HB 310

Memorials
"Battlefield Memorial Highway," designate section of US 421 in Madison County - HJR 82
"Charles H. McGinnis Memorial Highway," designate a portion of US 68 in Mercer County - HJR 116
"Christopher Leo White Memorial Highway," designate a portion of KY 245 - HJR 18: HFA(1)
"Cpl. Joshua D. Harris Memorial Bridge," designate in Letcher County - HJR 126; HJR 7: SCA (1)
"Euris Chaney Connector," designate in Calloway County - HJR 40
"John C. Cline Memorial Bridge," designate in Martin County - HJR 69
"Kentucky Veterans Highway," designate in Bell County - HJR 42
"PFC David 'Paulie' Nash Memorial Highway," designate in Daviess County - HJR 19
"Tom Christerson Memorial Highway," designate in Muhlenberg County - HJR 90
1932 Yancey Mine Disaster, name a segment of KY 72 in Harlan Co. in memory of - HJR 10
Acklin II, Sergeant Michael D., memorializing - HR 51
Alston,
 Ethel, memorializing - HR 169
 Rev. Edward Deedom, memorializing - HR 170
Anderson, Milford Owen, memorializing - HR 288
Arrowood, Mary Jean, memorialize and adjourn House in memory of - HR 226
Barnett, Robert L. Jr., memorializing - HR 88
Bingham, Dr. W. B. II, memorializing - HR 127
Blevins, Rachel D., memorializing - HR 138
Bobby Thomas, Hardin County, name KY 1357 in memory of - HJR 11
Boodry, Glen O., memorializing - HR 176
Brammer, Leon H., memorializing - HR 61
Bryant, Officer Douglas, memorializing - HR 262
Cambron, Earl Mack "Mack," memorializing - HR 197
Capital City Airport, rename John "Russell" Groves Capital City Airport - HB 392
Clarke, Joe, former representative, honor with memorial plaque - HCR 215
Colby, Wilma D., memorializing - HR 171
Coleman,
 Sergeant Gary B., memorializing - HR 47
 Sergeant Gary Brent, memorializing - HR 199
Cowan, Brenda Denise, memorializing - HR 151, 159
Cunningham, Lynda Marie, memorializing - HR 286
Curtis,
 Raymond Edward, memorializing - HR 70
 Theodore "Bud," memorializing - HR 241
Daniel Boone, rename Hal Rogers Parkway the Daniel Boone-Hal Rogers Parkway in memory of - HJR 7
Dawahare, Herbert "Hoover," memorializing - HR 251
Day, Colonel James O., memorializing - HR 222
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Dr. Martin Luther King, Jr., name I-65 in Jefferson County in memory of - HJR 107
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Hospital data, collection and dissemination of - HB 450: HFA(4)
HVAC mechanic, deletion of apprentice and creation of a Class A - HB 415
HVAC, environmental toxins, task force and education about - HB 132
Industrial recruiters, prohibition from accepting other governmental employment - HB 62
Inspectors, environmental toxins, task force and education about - HB 132
Interior designers, grandfather licensing provision, extension of - SB 132; HB 175
Investigators, changes in license and fee requirements - SB 75: SCS
Kentucky Gaming Commission to determine and approve occupations at gaming establishments - HB 637
Licensed barbers, fees, education, and standards of conduct for - HB 437
Long term care facility, record check requirements - SB 189: SFA(1)
Long-term care facility, record check requirements - SB 189: SCS

Occupations and Professions Continued

Making telephone solicitations to wireless telephone numbers, prohibition of - HB 65
Massage therapist violations, fines for - HB 527
Medicaid, temporarily suspend hearings and program policies for - HB 337
Medical errors, require reporting of - HB 450: HFA(3)
Medication aides, Board of Nursing requirements for - HB 73
Nurses, criminal background information about - SB 189
Nursing
  licensure, requirements for - HB 72; HB 72: HFA (1)
  licensure, retired nurses, requirements for - HB 72: HCS
Pharmacy, scope of practice expanded - HB 341: HCS
Physical therapists, continued competency requirement for - SB 206: HCS
Physician assistant, temporary certificate for - SB 276
Physicians Health Foundation, creation of - SB 276
Physicians, medical and osteopathic schools, practice within - SB 276
Plumbing, liability insurance required - SB 122
Prescribers, KASPER, reporting to - SB 14: HFA(1)
Private investigators, licensing required, exemptions from - SB 75: HCS
Real estate brokers, duties of and commission jurisdiction over - SB 244; SB 244: SCS
Social
  workers, certification or licensure requirements for - SB 88; HB 160; HB 160: HCS
  workers, licensing of - HB 667
Surgical
  assistants, certification of - SB 206: SCS, SFA (1)
  assistants, licensing of - SB 206
Telephone solicitation and telemarketing, consumer education pamphlet regarding - HB 65: HCS
Tongue splitting, practice of, prohibitions on - HB 14

Oil and Natural Gas

Coalbed
  methane development, drilling permits, requirements for - HB 556
  methane development, requirements for - HB 577
  methane production, requirements for - HB 577: HCS(1)
  methane, urge Secretary of Commerce Cabinet to develop and promote use of - HR 228
Easement of necessity, requirements for - HB 537
Gasoline,
  investigate pricing of - HR 276
  price cap - HB 599
Motor Fuel, subsidized pricing, study of - HB 296: HCS
Public utilities, installations in coal mines, exemptions for - SB 37: SFA(3)
Resolution
  of well operator and landowner dispute, delete requirement to make a permit condition - SB 154: HFA(1)
  of well operator and landowner disputes, revise impact of mediator recommendations - SB 154: HFA(5)

Optometrists

Health care liability, limitations on noneconomic and punitive damages, deletion of - SB 1: SFA(7)
Medicaid, temporarily suspend hearings and program policies for - HB 337
Nonprescription contact lenses, prohibit sale to minors - HB 233
Telehealth, asynchronous consultations, payment for - HB 115

Parental Rights

"Code Adam," state buildings, implementation in - HB 251: HCS
Adoption records, release of - SB 75: HFA(2)
Adoption, records, release of - SB 75: HFA(1)
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Parental Rights Continued

 abuse or neglect investigations, information on de facto custodian status to be provided - HB 248
 support, emancipation - HB 269: HCA(1)
 support, emancipation of physically or mentally incapacitated - HB 269
Foreign adoption, Kentucky recognition of - SB 38: SCS
Grandparents, legislative task force on raising grandchildren by - HCR 78
Health services provided to minors, parent or guardian notified when - HB 13
Infertility, health benefit coverage of - HB 702
Permanent placement, foster care and adoption - HB 300
Placement for adoption, restrictions on - HB 358, 661
Termination of parental rights, appointment of appellate counsel - HB 23
Uniform Child Custody Jurisdiction Act, update of - HB 91

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Archaeological sites, require access permit for - HB 560; HB 560: HCS
Boone, Daniel, official state portrait, Cumberland Gap National Park - HB 129
Carter Caves State Resort Park, name Lewis Caveland Lodge - HJR 64
Covered wooden bridges, preservation of - HB 596
Joint Parks Department, creation of - HB 4
Lewis and Clark National Historic Trail, support extension of - HR 263
Lexington/Big Sandy Rail Trail task force, creation of - HCR 8
Permission to sue Commonwealth - HJR 156
Pest plant board, require report to LRC, no regulatory authority - HB 127: HCS
State-owned marinas, designation of a boating access area for handicapped required - HB 393
Wickliffe Mounds Research Center, urge agreement to transfer - HR 219

Partnerships

Assumed business names, filing of - HB 112; HB 112: HCS
Business records, personal privacy, protection of - HB 140; HB 140: HFA (1)
General and limited partnerships, uniform laws on - HB 190

Peace Officers and Law Enforcement

Alcohol and drug test, defrauding of - SB 86
Bryant, Officer Douglas, resolution memorializing - HR 262
Cemetery laws, failure to enforce, fines imposed for - HB 559; HB 559: HCS
CERS hazardous duty, disability benefits for new employees - HB 519
Certification requirements for peace officers and court security officers - HB 616
Child
 abuse or neglect causing fatality or near fatality, report of - HB 671: HCS
 abuse or neglect, fatality or near fatality, report of - HB 671
Citation issuance, allow upon probable cause for driving without license - HB 495: SFA(2)
Commission on Elder Abuse, membership of - HB 315
Confiscated
 firearms, disposition of - HB 156: HFA(2); HB 413: HFA (4); HB 570: HFA (2)
 firearms, disposition of for firearms or equipment - SB 83: HFA(1)
 firearms, may be exchanged - SB 83: HFA(2)
Constables, blue lights and siren, use of - HB 531
County detectives appointed by county attorneys, powers and training of - HB 703: HFA(1)
Dog
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 laws, enforcement of - HB 336
Elder abuse, reports of and duties relating to - HB 105; HB 105: HFA (2)
Fees, accessed on cases and distribution of to police departments - HB 413: HFA(3)
Grandfathered peace officer, change of agency authorized - HB 187; HB 187: HFA (1)
Interlocal

Peace Officers and Law Enforcement Continued

agreements, incentives for peace officers - HB 78
agreements, study incentives for - HB 78: HCS
Jury duty, exempt peace officers, fire fighters and EMS paid personnel - HB 608
KASPER, define which peace officers may request reports - SB 14: HFA(4)
Law
enforcement agency, specialized training, when required - HB 368
enforcement, duties and responsibilities of officers - HB 715
MIRET devices, unauthorized use of, penalties for - HB 141: HCS
Motor
vehicle enforcement officers, authority - SB 155: HFA(1)
vehicle enforcement officers, peace officer authority - SB 155: HCA(1)
Peace officer training - HB 212
Police and firefighters, resolution urging pay increase - HR 208, 250
Registration for undercover vehicles, allow for Public Protection Cabinet - SB 106: HFA(9)
Search dogs, use of police dogs as - HB 713
Sheriff, special deputies - HB 258: SCS
State
police, disability benefits under SPRS for new employees - HB 519
university police, participation in KERS - HB 621
U.S. Mint Police, Kentucky peace officer powers for - SB 78; HB 187: SFA (1)

Personnel and Employment

Alcohol and drug test, defrauding of - SB 86
Broadcasting industry, noncompetition clauses invalid - HB 677
Certain
unclassified employees, delay of ineligibility for classified position, exceptions - HB 1: HFA(2)
unclassified employees, one-year ineligibility for classified position - HB 1
Certified
employees, Kentucky School for the Deaf, Kentucky School for the Blind - SB 237; HB 644
personnel, evaluation of - HB 554
Classified
school employees, sick leave requirement - HB 309
school employees, sick leave, requirement - HB 309: HCS
Educational requirements, exempt highway superintendents from - HB 123
Elected officials, retirement, reemployment restrictions - HB 9
Executive
branch ethics code, postemployment and lobbying restrictions - HB 1
branch ethics code, postemployment and lobbying restrictions, application of - HB 1: HCS
Federally
funded time-limited employees, grievances filed with appointing authority - SB 219: HFA(1)
funded time-limited positions, expiration and documentation of - SB 219: HCA(1)
Labor organizations, mandatory membership or financial support prohibited, penalty - HB 173
Layoff provisions, exemptions from - HB 106: HCS
Management position, vacant or not posted for 90 days, abolished - HB 164
Minimum
wage & overtime provisions, exempt individuals who provide companionship services - SB 45
wage revision - HB 186
Organizational units of five or fewer employees - HB 164
Overtime exemption, in-home companionship services provided by a third party - SB 45: SCS, HCS
Post-retirement
state employment, 2-year ban - HB 1: HCS
state employment, 2-year ban, exception - HB 1
Principal assistants in the executive branch, limit of 50 - HB 1
Public

Personnel and Employment Continued

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employees, retirement benefits for new hires - HB 290
Purchase of retirement credit for out-of-state teaching service - HB 237
Reemployment
of retired employees and officials, restrictions on hiring - SB 150: HFA(1); SB 151: HFA (1); SB 154: HFA (3); SB 155: HFA (2)
of retired employees, restrictions on hiring - HB 15; SB 60: HFA (2)
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Teachers, employment following retirement - HB 391
Unemployment insurance, benefit eligibility for victims of domestic violence - HB 360
Workers'
compensation, black lung revisions - HB 499
compensation, policy cancellations and premium audits, restrictions on - HB 634

Pharmacists

Advanced registered nurse practitioner, controlled substances, prescriptive authority for - HB 595: HCS
Board
of Pharmacy members, appointment and terms of - SB 214: SCS
of Pharmacy members, appointment and terms of - SB 214; HB 558: SFA (2)
Controlled
substance data, Medicaid, use of - SB 40; HB 220; SB 14: HFA (2)
substances, advanced registered nurse practitioner, prescriptive authority for - HB 595
substances, electronic reporting, data sharing in system of - SB 14
substances, electronic reporting, data sharing in system of - SB 14: SFA(1)
Dietary supplement products containing ephedrine group alkaloids, prohibition against sale of - HB 110
Disease management, Medicaid, implementation of - HB 267
Doctors and dentists, new prescription drug protocols, board develop continuing education for - HB 151
Drugs, direct-to-consumer advertising, urge federal restrictions on - HCR 59
Harm reduction program, creation of - HB 83
Health
care liability, limitations on noneconomic and punitive damages, deletion of - SB 1: SFA(7)
Information Network Board, Cabinet for Health Services, creation of - HB 56: HCS
insurance, contraceptive devices and services, coverage for - HB 573
Services, prescription drugs, program requirements for - SB 40: HFA(6)
HIV/AIDS, prescription drugs, prohibition on restrictions for use of - HB 516; HB 516: HFA (1)
Hospital data, collection and dissemination of - HB 450: HFA(4)
KASPER system - tolerance rates for data errors - SB 14: SCS
Kentucky
Rx Program, client savings, disclosure of - HB 351
Rx Program, establishment of - HB 351
Medicaid prescription drug dispensing fee study, repeal of - SB 16
Medicaid,
recipients, lock-in restrictions for - HB 220; SB 14: HFA (2)
temporarily suspend hearings and program policies for - HB 337
Medical errors, require reporting of - HB 450: HFA(3)
Methamphetamine precursors, controls on sale - HB 118
Pain management, task force, establishment of - HJR 132
Pharmacists, immunizations administered by, authorization of - HB 341: HCS
Physician assistants, controlled substance prescription authority for - HB 595: SFA(2)
Practice, expand definition of - HB 341
Retail drug prices, maximum set for - HB 351
Self-referral prohibition, elimination of Medicaid and Medicare distinction for - HB 482
Telehealth, asynchronous consultations, payment for - HB 115

Physicians and Practitioners

- "The Rush Limbaugh Anti-Doctor Shopping Act of 2004," cite Act as - SB 40: SFA(1)
- Abortion, prohibition of performance of - HB 658
- Adult day centers, advisory council for - SB 17: HFA(3); HB 90: SFA (1)
- Advanced
  - registered nurse practitioner, controlled substances, prescriptive authority for - HB 595: HCS
  - registered nurse practitioners, controlled substance prescription authority for - HB 595: SCS
  - registered nurse practitioners, controlled substance prescriptions, authority for - HB 595: SFA(1),(4)
- Anaphylaxis, epinephrine, student use of - SB 15: SCS
- Board
  - of Medical Licensure, first-year postgraduate trainee, discipline of - SB 276
  - of Medical Licensure, membership of - HB 688
  - of Medical Licensure, physical assistant, temporary certificate - HB 456
  - of Medical Licensure, physician assistant, temporary certificate - HB 456: HFA(1)
  - of Medical Licensure, Physicians Health Committee - HB 456
  - of Medical Licensure, Physicians Health Committee, establish - HB 456: HFA(1)
  - of Medical Licensure, specialty faculty license, permit issuance - HB 456
  - of Medical Licensure; specialty faculty license, permit issuance - HB 456: HFA(1)
- Charitable
  - drug repository program, transfer of unused prescription drugs to - HB 86
  - health care provider, dentist included as - HB 321: SCS
- Cloning of humans, prohibition of - HB 171
- Contingent fee agreements, limitation on - HB 450: HFA(2)
- Controlled
  - substance data, Medicaid, use of - SB 40; HB 220; SB 14: HFA (2)
  - substances, advanced registered nurse practitioner, prescriptive authority for - HB 595
  - substances, electronic reporting, data sharing in system of - SB 14
  - substances, electronic reporting, data sharing in system of - SB 14: SFA(1)
- Criminal injuries, hospital reporting of - HB 585
- Death certificate, unknown cause of death - SB 62
- Dental care, charitable provision of - HB 321
- Dentists,
  - charitable health care practice by - HB 321: HCS
  - competency requirements for - HB 321: HCS
  - private admonishment as action against - HB 571
- Destructive research on human embryo, prohibit - HB 170
- Dietary supplement products containing ephedrine group alkaloids, prohibition against sale of - HB 110
- Disease management, Medicaid, implementation of - HB 267
- Doctors and dentists, continuing education for - HB 151
- Drugs, direct-to-consumer advertising, urge federal restrictions on - HCR 59
- Emergency contraceptives, prescribing and dispensing of - HB 87
- Health
  - care employees, monetary damages and job reinstatement, right to recover - HB 378
  - care liability, limitations on noneconomic and punitive damages, deletion of - SB 1: SFA(7)
  - care, liability limitations - SB 1; SB 1: HFA (1),(5)
  - Foundation, creation of - SB 276
  - Information Network Board, Cabinet for Health Services, creation of - HB 56: HCS
  - insurance, contraceptive devices and services, coverage for - HB 573
  - insurance, CPT codes, insured liability for - HB 455
  - Professional Shortage Area, eligible primary health clinic to be located in - HB 684: HFA(1)
- HIV/AIDS,
  - Class A misdemeanor for disclosing identity of person with - SB 103: SCA(1); HB 82: SCS
  - Health Services Cabinet, drug program requirements of - HB 516: HCS
  - patient name reporting upon positive test for - SB 103; HB 82
- Hospital data, collection and dissemination of - HB 450: HFA(4)

Physicians and Practitioners Continued

Hospital, acute care, admission at - HB 242: SFA(3)
Infertility, health benefit coverage of - HB 702
Injury to pregnant woman, exemptions - HB 108: HFA(5)
Kentucky
 Board of Medical Licensure, study of the composition of - HB 688: HCS
 e-Health Information Network, creation of - HB 56
Life insurance, proof of death - HB 582
Long-term care facility inspections, penalty for prior notification of - HB 159
Malpractice claim reports, distribution of - SB 1: HFA(2)
Medicaid
 advisory council adult day membership on - SB 17: HFA(4)
 managed care, transportation, prior approval for - SB 183
 partnership in regions 6 and 7, development of - HB 255
Medicaid,
 consumer-directed services program, creation of - HB 116
 recipients, lock-in restrictions for - HB 220; SB 14: HFA (2)
 temporarily suspend hearings and program policies for - HB 337
Medical
 and osteopathic schools, practice within - SB 276
 errors, require reporting of - HB 450: HFA(3)
 malpractice, damages recoverable - SB 1: SFA(2)
 malpractice, legislative authority regarding - SB 1: SFA(1)
 malpractice, omnibus reform - HB 450; HB 450: HCS, HFA (5)
 negligence actions - SB 1: SFA(8)
Medication aides, Board of Nursing requirements for - HB 73
Nonbinding alternative dispute resolution system and trial by jury, provide for - SB 1: SFA(9)
Obesity and drug addiction, universities, urge study of - HJR 65
Pain management, task force, establishment of - HJR 132
Partial-birth abortion - HB 26
Pharmacy practice, expand definition of - HB 341
Physical therapists, continued competency requirement for - SB 206: HCS
Physician
 assistants, controlled substance prescription authority for - HB 595: SFA(2)
 profiles, creation and dissemination of - HB 691
Prescribers, KASPER, reporting to - SB 14: HFA(1)
Prescription drugs, Health Services, program requirements relating to - SB 40: HFA(6)
Public Health, immunizations, reporting of - SB 184
Punitive damages, taxation of - HB 450: HFA(1)
Self-referral prohibition, elimination of Medicaid and Medicare distinction for - HB 482
Substance abuse treatment, coverage for - HB 220; SB 14: HFA (2)
Surgical
 assistants, certification of, required physician supervision of - SB 206: SCS, SFA (1)
 assistants, licensing of, required physician supervision of - SB 206
Telehealth consultation, revised definition of - HB 115: HFA(1)
Telehealth, asynchronous consultations, payment for - HB 115
Tongue splitting, performance limited to dentist or physician - HB 14
Trauma
 care, development of system for - HB 492
 system, establishment of voluntary - HB 492: HCS
Wounds, health facility reporting of - HB 585: HCS

Piggybacked Bills

CA Copies of HCR's 5 and 60 to SB 161/GA - SB 161: HFA(1)
GA

Copies of HB's 40, 74, 317, 392, and 539 to SB 161/GA - SB 161: HFA(1)
Copies of HJR's 64 and 142 to SB 161/GA - SB 161: HFA(1)
HB
148/GA to SB 153/GA - SB 153: HFA(3),(6)
148/GA to SB 179/GA - SB 179: HFA(1)
15/GA to SB 150/GA - SB 150: HFA(1)
15/GA to SB 151/HCS - SB 151: HFA(1)
15/GA to SB 154/HCS - SB 154: HFA(3)
15/GA to SB 155/GA - SB 155: HFA(2)
15/GA to SB 60/GA - SB 60: HFA(2)
155 to HB 132 - HB 132: HFA(1)
155 to HB 146 - HB 146: HFA(1)
155 to HB 261 - HB 261: HFA(2)
155 to HB 301 - HB 301: HFA(1)
155 to HB 324 - HB 324: HFA(2)
18/GA to SB 95/GA - SB 95: HFA(2)
207 to SB 153/GA - SB 153: HFA(3)
220 to SB 14/GA - SB 14: HFA(2)
261/GA to SB 153/GA - SB 153: HFA(3),(6)
261/GA to SB 179/GA - SB 179: HFA(1)
303/GA to SB 138/GA - SB 138: HFA(1)
303/GA to SB 52/HCS - SB 52: HFA(6)
304 to SB 52/HCS - SB 52: HFA(7)
304 to SB 85/GA - SB 85: HFA(1)
317 to SB 266 - SB 266: HFA(1)
37 to SB 111/HCS - SB 111: HFA(5)
37 to SB 52/GA - SB 52: HFA(4)
384/GA to SB 106/HCS - SB 106: HFA(16)
389/HCS to HB 161/SCS - HB 161: SFA(5)
392/GA to SB 106/HCS - SB 106: HFA(13)
40 to SJR 83/GA - SJR 83: HFA(1),(3)
40/GA to SB 106/HCS - SB 106: HFA(10)
410 to HB 161/SCS - HB 161: SFA(5)
424 to SB 155/GA - SB 155: HCA(2)
43 to HB 161/SCS - HB 161: SFA(5)
43 to HB 410 - HB 410: HFA(2)
526/GA to SB 142/GA - SB 142: HFA(1)
533 to SB 106/HCS - SB 106: HFA(14)
592 to SB 135 - SB 135: HFA(1)
60 to SB 16/GA - SB 16: HFA(1)
60 to SB 17/GA - SB 17: HFA(1)
60 to SB 186/GA - SB 186: HFA(1)
60 to SB 40/GA - SB 40: HFA(1)
60 to SB 45/HCS - SB 45: HFA(1)
651 to HB 604/HCS - HB 604: HFA(3)
651 to SB 111/HCS - SB 111: HFA(2)
668 to SB 60/HCS - SB 60: HFA(1)
699 to SB 106/HCS - SB 106: HFA(6)
9/GA to SB 15/HCS - SB 151: HFA(1)
9/GA to SB 150/GA - SB 150: HFA(1)
9/GA to SB 154/HCS - SB 154: HFA(3)
9/GA to SB 155/GA - SB 155: HFA(2)
9/GA to SB 60/GA - SB 60: HFA(2)
HCR
16 to SB 150/GA - SB 150: HFA(3)
172/GA to SJR 156/HCS - SJR 156: SCA(1), HFA (1)

Piggybacked Bills Continued

 5 to SB 52/HCS - SB 52: HFA(8)
HJR
 107/GA to SB 106/HCS - SB 106: HFA(8)
 11/GA to SB 160/GA - SB 160: HFA(1)
 156 to HB 393 - HB 393: HFA(3)
 43 to SB 106/HCS - SB 106: HFA(2)
 55/GA to SB 106/HCS - SB 106: HFA(15)
 55/GA to SB 160/GA - SB 160: HFA(4)
 55/GA to SJR 83/GA - SJR 83: HFA(4)
 9 to SB 106/HCS - SB 106: HFA(1)
HJR's
 7, 9, 10, 11, 18, 19, 40, 42, 46, 54, 55, 69, 82, 90, to SB 160/GA - SB 160: HFA(2)
 91, 107, 116, 126, 147, 192, and 212 to SB 160/GA - SB 160: HFA(2)
SB
 142/GA to SB 106/HCS - SB 106: HFA(12)
 245/GA to SB 135/GA - SB 135: HFA(2)
 245/GA to SB 146/GA - SB 146: HFA(1)
 245/GA to SB 187/GA - SB 187: HFA(1)
 245/GA to SB 200 GA - SB 200: HFA(1)
 245/GA to SB 52/HCS - SB 52: HFA(1)
 245/GA to SB 55/GA - SB 55: HFA(1)
 245/GA to SB 92/GA - SB 92: HFA(1)
 47 to SB 75 - SB 75: HFA(2)
 84/GA to SB 106/HCS - SB 106: HFA(7)

Planning and Zoning

Adult entertainment or material, zoning requirements relating to - HB 521
Agricultural use, set parameters for equine uses - SB 156: HFA(2); HB 404: SFA (2),(5)
Airport
 Zoning commission, expand authority to include certain private airports - HB 404: SFA(3)
 Zoning Commission, expand authority to include certain private airports - SB 142
Census of planning units, request Interim Joint Committee on Local Government to conduct - HCR 198
Commissions and related boards and personnel, omnibus revisions - HB 388; HB 388: HCS
Comprehensive plans - HB 388: HCS
Definitions, agricultural use, include various horse-related activities - HB 404
Electric transmission siting, location of - HCR 106
Firearms dealer, zoning restrictions prohibited - SB 95
Horses, activities of - HB 404: HCS, HFA (1)
Land use, alternative dispute resolution - HB 133
Local
 employees, planning and zoning training and residence requirements - SB 60: HCS
 ordinances affecting farm equipment, void - SB 129
Planning
 and zoning, comprehensive plan - HB 388
 and zoning, location of firearms dealers, manufacturers, and importers - SB 95: HFA(4),(5)
Sexual entertainment or material, zoning requirements relating to - HB 125
Subdivision, review definitions relating to - HCR 144

Plumbers and Plumbing

Liability
 insurance required for master plumber license - SB 122
 insurance, required for master plumbers - SB 122: SFA(1)
On-site
 sewage disposal systems, permit timelines and procedures - HB 369

Plumbers and Plumbing Continued

- sewage system permit approval process timeline, extended past 15 days if inclement weather - HB 369: HFA(2)
- Plumbers,
  - electrical licensing exemption for - SB 148: SCS
  - electrical licensing exemptions for - HB 461: HCS
- Plumbing inspections, local government, conduct by, conditions to be met - SB 148: HCS
- Timeline for approval of on-site sewage system, extended if delay caused by inclement weather - HB 369: HFA(1)

Police, City and County

- "The Rush Limbaugh Anti-Doctor Shopping Act of 2004," cite Act as - SB 40: SFA(1)
- Airport boards, officers, employees, and responders, immunity and liability for - HB 379
- Asset forfeiture funds, disbursement of - HB 477
- Capital felony interrogations, require to be recorded, set conditions for use/time for destruction - HB 390: HCS
- Capitol felony interrogations, require recording, set conditions for use/schedule for destruction - HB 390: HFA(1)
- Cellular telephones, purchase and operation for emergency services personnel - HB 180
- Children, lost and missing, "Code Adam" Program - HB 251
- Commission on Elder Abuse, membership of - HB 315
- Communications, wireless public safety systems - HB 226
- Confiscated
  - firearms, disposition of - HB 156: HFA(2); HB 413: HFA (4); HB 570: HFA (2)
  - firearms, disposition of for firearms or equipment - SB 83: HFA(1)
  - firearms, may be exchanged - SB 83: HFA(2)
- Controlled
  - substances, electronic reporting, data sharing in system of - SB 14
  - substances, electronic reporting, data sharing in system of - SB 14: SFA(1)
- County
  - consolidation, process for - HB 289
  - police force appointment by county judge/executives, change from 1 year to 4 year contract - HB 156
  - police force contracts, change for 1 year to 4 - HB 156: HFA(1)
- Court
  - costs - additional fees for local police departments - HB 413
  - costs - counties without police departments - HB 413: HFA(7)
  - costs - local government public safety funding - HB 413: HFA(6),(8)
- Criminal injuries, hospital reporting of - HB 585
- Death benefit payments for city police and firefighters - HB 566
- Elder abuse, reports of and duties relating to - HB 105; HB 105: HFA (2)
- Felony interrogations, require audio or video recording, conditions for use and destruction of - HB 390
- Graduate driver's license for teenagers, expansion of - HB 85
- Grandfathered peace officer, change of agency authorized - HB 187; HB 187: HFA (1)
- KASPER,
  - Commonwealth's or county attorney to request law enforcement data from - SB 14: HFA(3)
  - define which peace officers may request reports - SB 14: HFA(4)
- Labor organizations, mandatory membership or financial support prohibited, penalty - HB 173
- Law
  - enforcement agency, specialized training, when required - HB 368
  - enforcement, duties and responsibilities of officers - HB 715
- Lex-Fayette
  - County, resolution urging pay increase for police - HR 250
  - County, resolution urging pay increase for police officers - HR 208
- Peace officer training - HB 212
- Police

Police, City and County Continued

officers and firefighters of an urban-county govmt., collective bargaining, provisions for - HB 572
officers, collective bargaining in a consolidated local government, provisions for - HB 570; HB 570: HFA (1)
Search dogs, use of police dogs as - HB 713
U.S. Mint Police, Kentucky peace officer powers for - SB 78; HB 187: SFA (1)
Urban-county, retirement benefits - SB 139: HFA(1),(2),(3)
Wounds, health facility reporting of - HB 585: HCS

Police, State

"The Rush Limbaugh Anti-Doctor Shopping Act of 2004," cite Act as - SB 40: SFA(1)
Asset forfeiture funds, disbursement of - HB 477
Capital felony interrogations, require to be recorded, set conditions for use/time for destruction - HB 390: HCS
Capitol felony interrogations, require recording, set conditions for use/schedule for destruction - HB 390: HFA(1)
CDL, HazMat endorsement, require fingerprint criminal background check for - HB 625
Children, lost and missing, "Code Adam" Program - HB 251
Communications,
 wireless - HB 226: HCS
 wireless public safety systems - HB 226
Confiscated
 firearms, disposition of - HB 156: HFA(2); HB 413: HFA (4); HB 570: HFA (2)
 firearms, disposition of for firearms or equipment - SB 83: HFA(1)
 firearms, may be exchanged - SB 83: HFA(2)
Controlled
 substances, electronic reporting, data sharing in system of - SB 14
 substances, electronic reporting, data sharing in system of - SB 14: SFA(1)
Criminal
 background checks, conduct on applicants for a license without a photograph - HB 386
 injuries, hospital reporting of - HB 585
Felony interrogations, require audio or video recording, conditions for use and destruction of - HB 390
Graduate driver's license for teenagers, expansion of - HB 85
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for approval of on-site sewage system, extended if delay caused by inclement weather - HB 369: HFA(1)
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"Matthew Casey Wethington Act for Substance Abuse Intervention" - HB 67: SFA(1)
Accessible Electronic Information Act - HB 262
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Myositis Awareness Day, September 21 of each year recognized as - HB 74
Omnibus Medicaid Modernization Program Act of 2004 - HJR 136
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prevention, institutional discharge pilot project for - HB 376
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Historic property rehabilitation, tax credits for - HB 451
Homestead
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Land use, alternative dispute resolution - HB 133
Manufactured and mobile home owners, eviction from manufactured or mobile home communities - HB 630
Permission to sue Commonwealth - HJR 156
Private
 property, governmental actions affecting - HB 581
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Public hunting, cooperator permits - SB 209: SCS
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 estate brokers, sale of property, duties of and commission jurisdiction over - SB 244; SB 244: SCS
 property lien, party with an interest in the real property - HB 222; HB 222: HCS
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- AIDS Drug Assistance Program, prescription drugs, prohibition on restrictions for use of - HB 516; HB 516: HFA (1)
- Faith-based and nonprofit organizations, Governor's office, create - HB 487
- Landlords, inspection of payment records - HB 422
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- Homeland security records, Open Records Law exemption - HB 188
- Open
  - Meetings and Open Records Law, exceptions to - SB 55: HFA(4); HB 188: SCS
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  - Construction and Contingency Account, use of for agency moving expenses - HB 279
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  - and Capitol Annex, designated smoking area for - HB 493
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  - Rotunda, relocate Jefferson Davis Statue from - HJR 119
- Children, lost and missing, "Code Adam" Program - HB 251
- Insurance on state property - HB 546
- New
  - Capitol Annex, place memorial to honor Dr. Martin Luther King, Jr. on grounds of - HJR 216: HCS
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- Smoking Lounges in Capitol and Capitol Annex, Barren County tobacco settlement funds used for - HB 493: HFA(1)
- State
  - Capitol, Capitol Restoration Trust Fund, addition of Secretary of State as advisor on - HB 535: HFA(1)
  - Capitol, Capitol Restoration Trust Fund, prohibit display of contributor's name or symbol - HB 535: HFA(1)
  - Capitol, establishment of the Capitol restoration trust fund for - HB 535
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- Campaign contributions, study of - HB 484: HFA(1),(2)
- Executive
  - Branch Ethics Code, nepotism provisions applied to all statewide elected officers - HB 1: HFA(3)
  - branch ethics code, postemployment and lobbying restrictions, application of - HB 1: HCS
  - branch ethics code, postemployment and lobbying restrictions, nepotism provision - HB 1; HB 1: HFA (1)
  - Branch Ethics Commission, duties of - HB 1: HFA(2)
- Gubernatorial slates or candidates for Governor, contributions to - HB 538

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- "The Rush Limbaugh Anti-Doctor Shopping Act of 2004," cite Act as - SB 40: SFA(1)
- Abstinence education program - HB 395: HFA(12)
- All-terrain vehicles, injury prevention, educational program - HB 576
- Board of Pharmacy members, appointment and terms of - SB 214; HB 558: SFA (2)

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 Class A misdemeanor for disclosing identity of person with - SB 103: SCA(1); HB 82: SCS
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Services and Supports for Individuals with Mental Illness, policies relating to psychotropic drugs - HJR 58
Sexual offender information, distribution of - HB 247
Small business regulation, reduction or waiver of penalties - HB 649
Smoking Lounges in Capitol and Capitol Annex, Barren County tobacco settlement funds used for - HB 493: HFA(1)
Special license plates, establish guidelines for Transportation Cabinet to follow prior to issuing - HB 172: HCS(3)
State
  autism center, consultation and training by - HB 496
  Board of Medical Licensure, profiles to be created by - HB 691
  Fire Marshall - HB 81: HCS
  Interagency Council, add members - SB 188; HB 322
  service contracts, required to be performed in the United States - HB 640
State/Executive
  Branch Budget Bill, appropriation of - SB 100: HCS; HB 395: HCS, CCR
  Branch Budget Bill, omnibus technical revisions - HB 395: HFA(1)
  Branch Budget Memorandum - HJR 103
  Branch Budget, appropriation of - HB 395; HB 395: SCS
Student bullying, protection from - HB 540: HFA(8),(9),(10),(11)
Termination of parental rights, appointment of appellate counsel - HB 23
Trans Cab, delete fine for certain violations for consultants working on a highway project - SB 2: SFA(2)
Transportation

State Agencies Continued

Cabinet contracts, require to be reviewed by LRC Government Contract Review Committee - SB 2: SFA(1)
 Cabinet, Aviation Commission, creation of, clarify compensation and duties of members - HB 326: HCS
 Cabinet, confirm Executive Orders 2003-064 and 2004-027 - SB 160
 Cabinet, KY 1336 access point to the relocated KY 11 - SB 100: HCA(2)
 Cabinet, legislative oversight subcommittee, additional membership - SB 2: SCS
 Cabinet, omnibus revision of - SB 2
 Cabinet, omnibus revision of provisions governing special license plates - HB 172
 Cabinet, report demographic information on license applicants referred by clerks - HB 562: HFA(2)
 Cabinet, require review of all contracts - SB 2: SFA(3),(4)
 Cabinet, require two bids before awarding a highway project - HB 589
 Cabinet, suspension of operator's licenses, restrict to moving violations - HB 495: HCS
Transportation, drivers' licenses, educational requirements - HB 304
Trauma
 director and registrar, creation of - HB 492
 system, establishment of voluntary - HB 492: HCS
Turner, John S., confirmation to the Council on Postsecondary Education - HCR 66
Uniform Child Custody Jurisdiction Act, update of - HB 91
Vital records, permit an elected official on behalf of a constituent to obtain - HB 100: HFA(1)
Volunteer firefighter ID program - HB 20: HCS
Waste, 6-1-1 system for reporting of - HR 188: HFA(1)
Webb, David L., Kentucky Board of Education, appointment to - HCR 123
Winters, Kenneth W., confirmation to the Council on Postsecondary Education - HCR 67
Workforce Development Cabinet, Medicaid policy group, staff support to - HB 60; SB 16: HFA (1); SB 17: HFA (1); SB 40: HFA (1); SB 45: HFA (1); SB 186: HFA (1)

State Employees

Benefits, health insurance, study of health reimbursement arrangement - HJR 207
Buildings, environmental toxins, task force and inspections involving - HB 132
Cabinet secretaries, nepotism provisions - HB 1
Capitol and Capitol Annex, designated smoking area for - HB 493
Certain
 unclassified employees appointed to classified positions, 12-month probation period - HB 1: HFA(3)
 unclassified employees, delay of ineligibility for classified position, exceptions - HB 1: HFA(2)
 unclassified employees, one-year ineligibility for classified position - HB 1
Certified instructors in area vocational and technical schools, political rights and privileges of - HB 549
Children, lost and missing, "Code Adam" Program - HB 251
Constitutional officers, nepotism provisions - HB 1: HFA(1)
Court of Justice, technical correction - HB 243
Disability benefits for new employees - HB 519
Educational requirements, exempt highway superintendents from - HB 123
Employment after retirement, restrictions - HB 15: HCS, HFA (1)
Executive
 branch ethics code, postemployment and lobbying restrictions, application of - HB 1: HCS
 branch ethics code, postemployment and lobbying restrictions, nepotism provision - HB 1; HB 1: HFA (1)
Federally
 funded time-limited employees, grievances filed with appointing authority - SB 219: HFA(1)
 funded time-limited positions, expiration and documentation of - SB 219: HCA(1)
Finance and Administration, "Code Adam," implementation of - HB 251: HCS
Health
 insurance, contribution for dependent coverage - HB 340
 insurance, coverage, state contribution - HB 623
 insurance, self-funded plan - HB 681
 insurance, self-funding network - SB 135: HFA(6),(8)

State Employees Continued

- insurance, self-insured plan, study of - HJR 128
- insurance, state contribution for dependent coverage - HB 259
- insurance, statewide PPO plan, self-insurance - HB 448
- services provided to minors, parent or guardian notified when - HB 13

Industrial recruiters - HB 62: HFA(1)
Insurance benefits, employees hired after July 1, 2003 - HB 290
Judicial
- personnel, technical correction - HB 674
- retirement, technical correction - HB 244

Layoff
- of executive branch employees, priorities for - HB 106
- provisions, exemptions from - HB 106: HCS

Long-term care facility inspections, penalty for prior notification of - HB 159
Management position, vacant or not posted for 90 days, abolished - HB 164
Organizational units of five or fewer employees - HB 164
Pensions, Kentucky Retirement Systems Study Group, establishment of - HCR 68
Personnel Cabinet, changed to Department of Personnel, Executive Order 2003-064, Part 1 - SB 150
Post-retirement
- state employment, 2-year ban - HB 1: HCS
- state employment, 2-year ban, exception - HB 1

Principal
- assistants in the executive branch, limit of 50 - HB 1
- assistants, limit of 50, not applied to other statewide elected officers - HB 1: HFA(3)

Retired judges, remove gender-specific language - HB 675
Retirees, increase in benefits - HB 528
Retirement benefits, new employees - HB 290
Retirement,
- purchased service disallowed for insurance vesting - HB 519
- urge Governor to fund - HR 185

School board member, purchase service for retirement - HB 429
Secretary
- of Personnel, annual review of units with 5 or fewer employees - HB 164
- of Personnel, elimination of management position vacant or not posted for 90 days - HB 164
- of the Governor's cabinet, nepotism provisions - HB 1

Smoking Lounges in Capitol and Capitol Annex, Barren County tobacco settlement funds used for - HB 493: HFA(1)
State employees, federally funded time-limited positions, creation and termination of - SB 219; SB 219: HFA (2)
State/Executive
- Branch Budget Bill, appropriation of - SB 100: HCS; HB 395: HCS, CCR
- Branch Budget Bill, omnibus technical revisions - HB 395: HFA(1)
- Branch Budget, appropriation of - HB 395; HB 395: SCS

Student
- bullying, protection from - HB 540: HCS, HFA (5)
- harassment, intimidation, or bullying, protection from - HB 540

Teacher retirement - HB 434: HCS(2)
Trauma director and registrar, creation of - HB 492

State Symbols and Emblems

Blackberry, official state fruit - SB 266
Horse Cave Theatre, official state repertory theater - HB 104, 128, 317
Official military school, designate Millersburg Military Institute as - SJR 83; HJR 142
Technical corrections - HB 272
Theatre pipe organ, official designation of - HB 539

State Symbols and Emblems Continued

Thumb picking style of guitar playing, designate Muhlenberg County as birthplace - HB 40

Statutes

Budget bill, effect on existing statutes - HB 240
Criminal Justice Council - HB 161: HCS
Kentucky Historical Events Celebration, expiration in 1976, repeal of - HB 601
Relating to Justice Cabinet, technical corrections to - HB 161; HB 161: SFA (1), HFA (1)

Studies Directed

Administrative costs, local school districts - HCR 134
Adult abuse and exploitation - HB 105: SCS
Advanced registered nurse practitioners, controlled substance prescription authority for - HB 595: SCS
Auto ins. rates, direct LRC to study rate increases & report on feasibility of lowering or stabilizi - HCR 41
Benefits, health insurance, reimbursement - HJR 207
Cabinet for Health Services, teenage drinking and driving, study of - HJR 211
Campaign contributions, study of - HB 484: HFA(1),(2)
Cervical cancer, LRC study - HCR 167
Commonwealth assessment and accountability system, Office of Education Accountability - SJR 156: HCS
Cooperative football teams, school-sponsored - HB 631: HCS
Eminent Domain, study of - HCR 184
Employment
 of disabled adults, study a Medicaid buy-in program to support - SB 16: HFA(1); SB 17: HFA (1); SB 40: HFA (1); SB 186: HFA (1)
 of disabled adults, study and implement a Medicaid buy-in program to support - HB 60
Employment, study and implement a Medicaid buy-in program to support - SB 45: HFA(1)
Federal prescription drug discount program, Cabinet for Health Service study of - HJR 38
Health and dental benefits, pooling of, study to determine ways of allowing local governments to - HCR 186
Human trafficking, study of - HCR 210
KEES program, analysis of - HJR 135
Kentucky
 Board of Medical Licensure, composition of - HB 688: HCS
 Diabetes Research Board and Kentucky diabetes research trust fund, creation of - HB 685
 Diabetes Research Board, secretary of Cabinet for Health Services member of - HB 685: HCS
KY Occupational Safety & Health Standards Board, ergonomics standard, study & adoption urged - HR 53
Legislative Research Commission, grandparent needs, Health and Welfare Committee to study - HCR 78: SCS
Lexington/Big
 Sandy Rail Trail - HCR 8: SCS
 Sandy Rail Trail task force, creation of - HCR 8
Methamphetamine, direct Justice Cabinet to establish a work group to study problem in Commonwealth - HB 424; SB 155: HCA (2)
Motor Fuel, subsidized pricing, study of - HB 296: HCS
Obesity and drug addiction, universities, causes of - HJR 65
Office of Education Accountability, study of CATS - SJR 156
Off-Road Motorcycle and All-Terrain Vehicle Task Force, extend reporting deadline - HCR 124
Pain management, task force, establishment of - HJR 132
Pensions, Kentucky Retirement Systems Study Group, establishment of - HCR 68
Physician assistants, controlled substance prescription authority for - HB 595: SFA(2)
Planning units, census of, request Interim Joint Committee on Local Government to conduct - HCR 198
Pupil transportation, funding in local school districts - HCR 172
Salaries and benefits, urban-county police and firefighters - HR 266
School
 administrative costs, study of - HCR 134: HFA(1)

Studies Directed Continued

district administrative costs, study of - HCR 134: HCA(1)
Self-insured health plan for state employees - HJR 128
Sex offender management, study of - HCR 13
Task
 Force on Funding for Wildlife Conservation - HCR 190
 force on health care cost containment, create - HB 227: SFA(4)
 Force on Trafficking in Persons, membership of, report deadline - HCR 210: HCS
Transportation Cabinet, report demographic information on license applicants referred by clerks - HB 562: HFA(2)
User fees, adequacy of - HCR 21

Substance Abuse

Asset forfeiture funds, disbursement of - HB 477
Cabinet for Health Services, teenage drinking and driving, study of - HJR 211
Cigarette tax increase - HB 107
Controlled
 substances, electronic reporting, data sharing in system of - SB 14
 substances, electronic reporting, data sharing in system of - SB 14: SFA(1)
Drug
 offense, possession of firearm - HB 547: HFA(1)
 offense, use or carrying of firearm during - HB 547
Focus on Mental Health Issues Day, declare - HR 268
Harm reduction program, creation of - HB 83
Health services provided to minors, parent or guardian notified when - HB 13
Involuntary treatment, procedure for - HB 77; HB 67: SFA (1)
Medicaid, coverage for - HB 220; SB 14: HFA (2)
Peace officer training - HB 212
Suicide prevention workgroup, establish - SJR 148: HFA(1)
Tobacco dependence, evidence-based treatment of - HB 310

Surface Mining

Coal mines, electrical mine safety, requirements for - SB 37; HB 8; HB 8: HCS
Coalbed
 methane development, drilling permits, requirements for - HB 556
 methane development, requirements for - HB 577
 methane production, requirements for - HB 577: HCS(1),(2)
Noncoal
 mineral administrative regulation, retention of - HJR 98: HCA(1)
 mineral operations, administrative regulations, deficiency of - HJR 98
 mining, transportation impact plan, requirement for - HB 543

Taxation

Abandoned
 urban property, allow all cities to levy tax on - HB 373: HCS
 urban property, allow cities of the second class to levy tax on - HB 373
Adoption of the Military Family Tax Relief Act of 2003 - HB 249
Agricultural
 credit associations - HB 395: HFA(13)
 credit associations, taxation of - HB 292: SCA(1), SFA (1), HFA (1)
Allow growth counties to freeze property tax rate - HB 632
Amend tax referendum process - SB 70
Biodiesel tax credit - HB 249: SCS, SFA (1)
Businesses to report county income information - HB 136
Cigarette

Taxation Continued

tax, increase in - HB 395: HFA(23)
tax, surtax imposed - HB 395: HFA(11)
Corporate
income tax, establish 6% rate for 2007 - SB 251: HFA(4)
income, reform - HB 299
license tax, deduction for - HB 352
license tax, repeal of - HB 395: SCA(17)
tax reform - SB 251: HCS(2)
Corporation
Income Tax, impose a flat rate of 6% - HB 662
License tax, consolidated return allowed - HB 292
County consolidation, process for, tax districts, tax surplus procedures for expenditure - HB 289
Credit for workplace safety improvements - HB 196
Credit, radon mitigation system cost basis for - HB 145: HCS
Delinquent
property tax collection, county attorney fee for litigation - HB 498
taxes - local governments - HB 510: HFA(1)
taxes, consolidated local government, disposition of when from former city of first class - HB 510
Emergency services boards, taxing authority - HB 427
Estate
tax, decouple from federal tax changes - HB 316
tax, request and urge ban on - HR 164
Excise tax on harness racetracks, exemption created - HB 708: SFA(1)
Exemption for purchases to fulfill a contract with a governmental entity or public school district - HB 114
Federal tax cuts, request and urge permanent implementation of - HR 163
Financial aid fund, deductions for contributions to - HB 479
Fire districts operating an emergency ambulance service, allow levy up to .20 cents tax by - HB 406
Forest property, assessment of - HB 355
Fuels, private contract terms - HB 297: HCA(1)
Governor's tax proposal - HB 249: SFA(2)
Harness racing, tax exemption created - HB 708: FCCR
Historic
properties, tax credit for - HB 638
property rehabilitation, credits for - HB 451
Homestead exemption, propose constitutional amendment to - HB 465
Horse
racing, international wagering hub, tax exemption provided - HB 693
racing, international wagering hub, tax exemption provided for - HB 708: SCS
Income
tax check-off for breast cancer fund - HB 52
Tax check-off, breast cancer fund - SB 97
tax exemption for active duty military - HB 165
tax withhold on pass-through entities after 12-31-03 - HB 491
Income, rate and filing threshold changes - HB 298
Instant racing, permissible taxes, authorization of - HB 692
Job creation tax credit - HB 433
Junk and scrap recyclers, state tax reporting requirements of - HB 628
Kentucky Industrial Revitalization Act - HB 593
Local
emergency services, expenditures for - HB 174
governments, exempt from insurance premium tax on bonds issued by the local government - HB 19
tax recall procedures - SB 70: SCS, SFA (1)
tax statutes, amendments to - HB 458
Make technical corrections - HB 249: HCA(1)
Manufacturers' excise, contract for the payment of - HB 297

Taxation Continued

Medical malpractice awards, tax on - HB 395: HFA(19),(20)
Motor
 fuel taxes, supplemental tax imposed - HB 664
 vehicle registration supplement fund, creation of - HB 348
Multi-jurisdictional simulcasting hub, tax exemption provided - HB 708: CCR
Net profits tax, submission of federal tax return - HB 271
Prescription
 drug cost, individual income tax credit for - HB 641
 drug, refundable tax credit for - HB 351: HCS
Property tax, motor vehicles, exemption of - HB 107
Property,
 assessment of - HB 518
 homestead exemption - HB 464
Provider
 tax and payments to hospitals - HB 643
Punitive damages, taxation of - HB 450: HFA(1)
Real property rate calculation - HB 714
Revenue Cabinet, reports by - HB 518: HCS
Revitalization project, license tax credit, formula for determining - HB 593: HFA(1)
Sales
 and use - exemption for horses under 2 years - HB 345
 and use, charitable institutions, refund for - HB 346
 and use, exemption for equine industry - HB 377
 and use, fuel exemption - HB 501
 tax exemption for straw, wood shavings, and sawdust - HB 57
 tax holiday, creation of - HB 192
Smokeless tobacco, wholesale tax imposed - HB 395: HFA(11)
Special fuels tax, reporting of - HB 522
Tax
 collection in urban service districts - HB 457, 697
 increment financing, development area - HB 614
 reform - HB 518: SFA(1)
Tobacco surtax, funding from - HB 310
Transient room tax, certain local governments may levy in addition to 1% transient room tax - SB 60: HFA(3); SB 150: HFA (5); SB 151: HFA (4)
Utilities
 gross receipts tax for schools, amendment to - HB 163
 gross receipts tax, collection by Revenue Cabinet - HB 163: HCS
Utility gross receipts tax, clarification of communication service - HB 163: SCS
Wholesale tax on cigarettes - HB 624
Wine or distilled spirit containers, revenue or excise stamps no longer affixed on - HB 362

Taxation, Income--Corporate

Agricultural
 credit associations - HB 395: HFA(13)
 credit associations, taxation of - HB 292: SCA(1), SFA (1), HFA (1)
Biofuels, tax credits for - HB 710
Corporate
 license tax, repeal of - HB 395: SCA(17)
 tax reform - SB 251: HCS(2)
Exempt tobacco quota buydowns - HB 97
Governor's tax proposal - HB 249: SFA(2)
Historic property rehabilitation, credits for - HB 451
Impose a flat rate of 6% on corporate income - HB 662

Taxation, Income--Corporate Continued

ITW fix for banks - HB 292: SCS
License tax, deduction for - HB 352
Nonrefundable credit for installation of radon mitigation system - HB 145
Reform, comprehensive - HB 299
Tax
 haven countries, state contracts prohibited - HB 706
 incentives for using coal combustion by-product as aggregate - HB 505
 reform - HB 518: SFA(1)
Top rate of 6% for 2007, establish - SB 251: HFA(4)

Taxation, Income--Individual

Adoption of the Military Family Tax Relief Act of 2003 - HB 249
Biofuels, tax credits for - HB 710
Cemetery preservation, tax refund check-of program, creation of - HB 559
Check-off for breast cancer fund - SB 97; HB 52
Earned income tax credit - HB 395: HFA(11)
Exempt tobacco quota buydowns - HB 97
Federal
 tax cuts, request and urge permanent implementation of - HR 163
 tax, urge exclusion for retirees - HCR 161; HCR 161: HFA (1)
Governor's tax proposal - HB 249: SFA(2)
Income tax withhold on pass-through entities after 12-31-03 - HB 491
Kentucky
 Diabetes Research Trust Fund, delete income tax returns to - HB 685: HCS
 Diabetes Research Trust Fund, donation to - HB 685
Make technical corrections - HB 249: HCA(1)
Nonrefundable credit for installation of radon mitigation system - HB 145
Prescription drug cost, tax credit for - HB 641
Rates and filing thresholds, changes to - HB 298
Tax
 exemption for active duty military - HB 165
 incentives for using coal combustion by-product as aggregate - HB 505
 reform - HB 518: SFA(1)
Tobacco quota buyout, exemption from - HB 97: FCCR

Taxation, Inheritance and Estate

Estate tax, decouple from federal tax changes - HB 316
Request and urge repeal of - HR 164
Rule against perpetuities, abolishment - HB 42

Taxation, Property

Allow growth counties to freeze property tax rate - HB 632
Assessments, listing of - HB 518
Certificates
 of delinquency, interest attaches to fees on - SB 204
 of delinquency, interest on fees - HB 510: SFA(1)
Delinquent
 property tax collection, county attorney fee for litigation - HB 498
 property taxes, private purchaser include reasonable costs and attorney fees - HB 421
 taxes - local governments - HB 510: HFA(1)
Forest property, assessment of - HB 355
Governor's tax proposal - HB 249: SFA(2)
Historic properties, tax credit for - HB 638
Homestead

Taxation, Property Continued

exemption, increase of - HB 464
exemption, lower age to 62 - HB 285
exemption, propose constitutional amendment to - HB 465
Motor
carriers, subject registered owner to citation for nonpayment of ad valorem taxes - HB 495: SFA(1)
vehicles, exemption of - HB 107
Omitted property, reports of - HB 518: HCS
Property
tax assessment and PVA administration fund, creation of - HB 339
tax for school purpose - SB 220
Real property rate calculation - HB 714
School district funding, equalizing tax levies for - SB 220: SFA(1)
State real property tax rate calculation, exclude new property from - HB 395: HFA(11)
Tax
collection in urban service districts - HB 457, 697
levies for school purposes - HB 655
reform - HB 518: SFA(1)

Taxation, Sales and Use

Cable and DBS, included in tax base - HB 395: HFA(11)
Charitable institutions, refund for - HB 346
Cigarettes, impose wholesale tax rather than sales and use tax - HB 624
Exemption
for equine industry - HB 377
for horses under 2 years - HB 345
for purchases to fulfill a contract with a governmental entity or public school district - HB 114
for straw, wood shavings, and sawdust - HB 57
Governor's tax proposal - HB 249: SFA(2)
Motor Vehicle Usage Tax, definition of retail price, proof of total consideration given - HB 282
Pay phones, coin operated exempt from - HB 654
Refund and exemption - HB 700: HCS
Refunds and exemptions, qualified businesses - HB 700
Sales
and use tax refund - HB 648
tax holiday, creation of - HB 192
Tax reform - HB 518: SFA(1)
Tobacco surtax, funding from - HB 310
Tourism Development Act, lodging facilities, refund of - HB 524
Undyed fuel, exemption for - HB 501

Teachers

Accountability,
students included - HB 176
students included in dropout rate - HB 177, 178
Alternative
certification - HB 152: SFA(1), HCA (1)
Certification, Education Professional Standards Board approval of - HB 152
Anaphylaxis, epinephrine, student use of - SB 15: SCS
Assault-related injury, leave time for - HB 311
Certification - HB 152: SCS
Certification, school principals - HB 665
Certified
personnel, evaluation of - HB 554
staff on military leave, benefits and status of - HB 551: SCS

Teachers Continued

Compensatory time for teachers - HB 651
Contracts, fulfilling requirements of - SB 28; HB 417; SB 28: SCA (1), SFA (1)
Data, review of - HB 645: HFA(1)
Education
 Professional Standards Board, confirmation, Linda L. Livers - HCR 31
 Professional Standards Board, confirmation, Thomas James Stull - HCR 32
 Professional Standards Board, teacher member confirmation of - HCR 34
 Professional Standards Board, teacher member, confirmation of - HCR 33
Educators, highly skilled, repeal program - HB 553
Employment following retirement - HB 391
Extended instructional days - SB 28: HCS
Head
 Start, purchase of retirement service credit - HB 36
 teacher, delete reference to - HB 604
Health insurance, state contribution for dependent coverage - HB 259
Hiring, equity in - HB 645
Kentucky School for the Deaf, Kentucky School for the Blind - SB 237; HB 644
Leave
 of absence - HB 195: SCA(1)
 of absence, acceptable reasons - HB 195
Location of classrooms for students with disabilities, preschool students, and primary students - HB 81
Mathematics and reading coaches and mentors, grants to prepare - HB 194
Military service, purchase of - HB 617
Out-of-state teaching service, purchase in Kentucky Retirement Systems - HB 237
Personnel,
 selection - SB 111: HFA(1)
 selection of - HB 604: HFA(1)
Preparing teachers in mathematics and reading, university institutes - HB 193: HCS
Principal selection - SB 226: SFA(1)
Professional development for certified staff - HB 652
Psychotropic drugs, training and education relating to - HJR 58
Reading intervention teachers, training for - SB 100
Reduction in force, reasons for - HB 293
Reimbursement of tuition costs for master's degree or equivalent - HB 185
Retired members, return to work provisions for - HB 434
Retirement - HB 434: HCS(2)
Review of student records, intervention services required - HB 193
School
 councils, accountability - SB 111
 personnel resignations - HB 411
 personnel, procedures for selecting - HB 425
School-based decision making council to select teachers in a school - HB 16, 17
Selection
 of school personnel - SB 226; HB 102; SB 111: HFA (4); SB 226: SCS; HB 604: HFA (4)
 of school personnel, roles of superintendent and school council in - HB 525
Student
 attendance reports, requirements to complete - HB 229
 discipline or supervision, liability of teacher for damages resulting from - HB 51
Teachers' retirement benefits - HB 434: HCS(1)

Technical Corrections

"Sexual offender" changed to "sex offender" - HB 410
Agent liability, gender neutral language - SB 209
Breach of promise to marry, delete references to tort of - HB 276

Technical Corrections Continued

Governor's Advisory Board for Veterans' Affairs, clarify language creating - HB 564
HB
 105/HCS - HB 105: HCS
 116 - HB 116: HFA(1)
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 161 - HB 161: HFA(1)
 161/GA - HB 161: SCS
 161/SCS - HB 161: SFA(3)
 249 - HB 249: HCA(1)
 25/HCS - HB 25: HFA(1)
 286 - HB 286: HCA(1)
 321/HCS - HB 321: HCS
 324/HCS - HB 324: HFA(1)
 336/HCS - HB 336: HFA(5)
 351/HCS - HB 351: HFA(1)
 362/SCS - HB 362: SCA(3)
 37/HCS - HB 37: HFA(1)
 393 - HB 393: HFA(2)
 395/HCS - HB 395: HFA(39)
 410 - HB 410: HFA(1)
 466 - HB 466: HCS
 516/HCS - HB 516: HFA(1)
 558/GA - HB 558: SFA(2)
 577 - HB 577: HCS(2)
 593 - HB 593: HCS
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 595/SCS - HB 595: SFA(4)
 639 - HB 639: HCS
 645 - HB 645: HFA(1)
 648 - HB 648: HFA(1),(2)
 672 - HB 672: HCS
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HCR
 22 - HCR 22: HCS
 24 - HCR 24: HCS
 32 - HCR 32: HCS
 60 - HCR 60: HCA(1)
HJR
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 116 - HJR 116: HCA(1)
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 64 - HJR 64: SFA(1)
Insurance code - HB 508
Justice Cabinet, statutes relating to - HB 161; HB 161: SFA (1)
Make
 technical correction - HB 253: HCS
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SB
 115 - SB 115: SCA(1), SFA (2)
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 152 - SB 152: SCS
 152/HCS - SB 152: HFA(1)
 153 - SB 153: SCA(1)

Technical Corrections Continued

155 - SB 155: SCA(1)
156 - SB 156: SCA(1)
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97 - SB 97: SCS, SCA (1)
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State symbols and emblems - HB 272
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Trust administration, remove gender-specific language - HB 517
Trusts, eliminate gender specific language - HB 506

Television and Radio

"Farscape" Ambassador, name - HR 274
Political advertising, regulation of - HB 446; HB 446: HCS

Title Amendments

GA Copy of SB 154/HCS - SB 154: HFA(2)
HB
108 - HB 108: HFA(2)
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157 - HB 157: SCA(1), HCA (1)
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172 - HB 172: HFA(3)
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209 - HB 209: HCA(1)
227 - HB 227: HCA(1)
258 - HB 258: SCA(1)
261 - HB 261: HFA(3)
264 - HB 264: SCA(1)

Title Amendments Continued

292 - HB 292: SCA(2)
301 - HB 301: HFA(2)
305 - HB 305: HCA(1)
306/GA - HB 306: SCA(1)
309/GA - HB 309: SFA(2)
322 - HB 322: SFA(2)
324 - HB 324: HFA(3)
331/GA - HB 331: SCA(1)
344/GA - HB 344: SCA(1)
351 - HB 351: HCA(1)
362/GA - HB 362: SCA(2)
365 - HB 365: SFA(6)
365/GA - HB 365: SFA(4)
373 - HB 373: HCA(1)
393 - HB 393: HFA(2)
404/GA - HB 404: SFA(4)
413 - HB 413: HFA(5),(9)
436 - HB 436: HCA(1)
441/GA - HB 441: SCA(2), SFA (6)
450 - HB 450: HFA(6)
473/GA - HB 473: SFA(2),(4)
495 - HB 495: HCA(1)
510 - HB 510: HFA(2)
512 - HB 512: HCA(1)
516 - HB 516: HFA(3)
516/HCS - HB 516: HFA(2)
526 - HB 526: HCA(1)
53 - HB 53: HFA(2)
540 - HB 540: HFA(2)
546 - HB 546: HCA(1)
558/GA - HB 558: SFA(1)
56 - HB 56: HCA(1)
570 - HB 570: HFA(3)
585 - HB 585: HCA(1)
595/HCS - HB 595: SFA(3)
595/SCS - HB 595: SCA(1)
604 - HB 604: HCA(1), HFA (2)
644 - HB 644: SFA(2)
644/GA - HB 644: SFA(4)
71 - HB 71: HCA(1)
71/GA - HB 71: SFA(2),(4)
90/GA - HB 90: SFA(2),(3),(5)
97 - HB 97: SFA(2)
97/GA - HB 97: FCCR
HB460/GA - HB 460: SFA(2)
HCR
102 - HCR 102: HFA(2)
203 - HCR 203: HFA(2)
22 - HCR 22: HCA(1)
33 - HCR 33: HCA(1)
78 - HCR 78: SFA(1)
8/GA - HCR 8: SCA(1)
HJR
11/GA - HJR 11: SCA(1)
147 - HJR 147: HFA(2)

Title Amendments Continued

18 - HJR 18: HFA(2)
216 - HJR 216: HCA(1)
7 - HJR 7: HFA(2)
7/GA - HJR 7: SCA(2)
HR 155 - HR 155: HFA(2)
SB
100 - SB 100: HCA(3)
106/GA - SB 106: HCA(1)
111 - SB 111: HFA(3)
111/GA - SB 111: HFA(6)
115/GA - SB 115: HFA(2)
133/GA - SB 133: HCA(1)
135/GA - SB 135: HFA(4)
138/GA - SB 138: HFA(2)
142/GA - SB 142: HFA(2)
146/GA - SB 146: HFA(3)
148/GA - SB 148: HFA(3)
15 - SB 15: SFA(2)
150 - SB 150: HFA(2)
150/GA - SB 150: HFA(4)
151 - SB 151: HFA(2),(3)
153/GA - SB 153: HFA(4)
154 - SB 154: HFA(4)
154/GA - SB 154: HFA(7)
155 - SB 155: HFA(3)
156/GA - SB 156: HFA(3)
16 - SB 16: HFA(2)
16/GA - SB 16: HFA(4)
160/GA - SB 160: HFA(3)
161/GA - SB 161: HFA(2)
163/GA - SB 163: HCA(1), HFA (2)
17 - SB 17: HFA(2)
174/GA - SB 174: HCA(1)
18 - SB 18: SCA(1)
186 - SB 186: HFA(2)
187/GA - SB 187: HFA(3)
189/GA - SB 189: HFA(2)
200 - SB 200: HFA(3)
206 - SB 206: HCA(1)
206/GA - SB 206: HFA(2)
219/GA - SB 219: HFA(3)
245/GA - SB 245: HCA(1), HFA (2),(4),(6)
251/GA - SB 251: HCA(1)
266/GA - SB 266: HFA(2)
34/GA - SB 34: HFA(3)
4, "Caleb-Haley-Landon Act" - SB 4: SFA(2)
40 - SB 40: HFA(2)
40/GA - SB 40: HFA(5),(8)
45/GA - SB 45: HFA(2)
47 - SB 47: SFA(2)
52/GA - SB 52: HFA(3),(5)
55/GA - SB 55: HFA(3),(6),(8)
60/GA - SB 60: HCA(1)
75 - SB 75: SCA(1)
79/GA - SB 79: HFA(2)

Title Amendments Continued

 83 - SB 83: HFA(3)
 84 - SB 84: SCA(1)
 85/GA - SB 85: HFA(2)
 89 - SB 89: SCA(1)
 89/GA - SB 89: HFA(2)
 92/GA - SB 92: HFA(3)
 95 - SB 95: HFA(3)
 97 - SB 97: SCA(2)
SCR 93/GA - SCR 93: HCA(2)
SJR
 156 - SJR 156: HFA(2)
 83/GA - SJR 83: HFA(2)
Title change to "An Act relating to fish and wildlife resources" - SB 209: SCA(1)

Tobacco

Ag Development Board, urge use of creative loan methods - HCR 187: HCS
Capital
 Project for Jessamine County - HB 395: SCA(18)
 Projects in Rockcastle County - HB 395: SCA(19)
Capitol
 and Capitol Annex, designated smoking area for - HB 493
 and Capitol Annex, smoking - HB 493: HFA(2)
Carry-forward quota adjustment, suspension of - HCR 87
Cigarette tax increase, smokeless, loose, and other tobacco, impose tax - HB 107
Funding requirements on projects - HB 395: SCA(11)
Lincoln County Sewer Project - HB 395: SCA(12)
Nonparticipating
 manufacturer, escrow fund payment - HB 58; HB 97: SFA (1)
 manufacturers, escrow payment, quarterly payments - HB 97: FCCR
 manufacturers, escrow payment, requirements for - HB 97: FCCR
Quota
 buydowns, exempt from income tax - HB 97
 buyout, state income tax, exemption from - HB 97: FCCR
Rockcastle County Water Project - HB 395: SCA(13)
Smoking Lounges in Capitol and Capitol Annex, Barren County tobacco settlement funds used for - HB 493: HFA(1)
Surtax, levy of - HB 310
Task Force, reauthorization - HCR 203
Tobacco
 fund applicants, urge Agricultural Development Board to lower contribution requirement for - HCR 187
 fund applicants, urge creative loan methods for - HCR 187: HCS
 Task Force, reauthorization - HCR 203: HFA(1)
 use and consumption, state preemption of the field - HB 66
Wholesale tax on cigarettes - HB 624

Tourism

Agritourism highway signs, mandate Transportation Cabinet to promote usage of - HJR 43
Agritourism,
 liability, protection from - HB 444
 purpose, clarification of - HB 444: HFA(1)
Boone, Daniel, official state portrait - HB 129
Carter Caves State Resort Park, name Lewis Caveland Lodge - HJR 64
Covered wooden bridges, preservation of - HB 596
Handicapped boaters, access at state marinas - HB 393: HFA(1)

Tourism Continued

Horse racing industry, Kentucky Horse Racing Authority, agency responsible for - SB 156
Kentucky Country Music Landmark, designation - HJR 143
 Festivals and Events Association, premier organization - HR 193
Lexington/Big
 Sandy Rail Trail - HCR 8: SCS
 Sandy Rail Trail task force, creation of - HCR 8; HCR 8: HCS
Local event tickets, county fiscal court surcharges on - HB 586
Off-road Motorcycle and ATV Commission, establish - HB 365: SFA(3)
Rock fences, encourage KY Heritage Council and Dry Stone Conservancy to document - SCR 115
State-owned marinas, designation of a boating access area for handicapped required - HB 393
Tourism
 Development Act, eligibility for restaurants and lodging - HB 593: SFA(1)
 Development Act, lodging facilities, project eligibility - HB 524
 Development Cabinet, abolish - SB 161
Tourism, highway signs to promote in West Kentucky, limit number required to be erected - HB 191: HCS
Wickliffe Mounds Research Center, urge agreement to transfer - HR 219

Trade Practices and Retailing

Adult entertainment or material, zoning requirements relating to - HB 521
Business records, personal privacy, protection of - HB 140; HB 140: HFA (1)
Credit
 and debit card, protection of - HB 7
 card solicitations on college campuses, regulation of - HB 63
Distilled spirits and wine, deemed properly labeled if meeting federal standards or fill for - HB 362: HCS
Employment reference, nonliability for - HB 403
Firearms dealer, zoning restrictions prohibited - SB 95
Flea markets, medicine and baby formula sales, prohibition on - HB 204
Fuel marketing, prohibit unfair competition - HB 296
Gasoline, price cap - HB 599
Making telephone solicitations to wireless telephone numbers, prohibition of - HB 65
Methamphetamine precursors, controls on sale - HB 118
Methamphetamine, possession of chemical or equipment to manufacture - HB 24
Methods of destroying records, require reasonable only - HB 140: HCA(1)
NAFTA, urge Congress to repeal and end talks on Free Trade Area of the Americas - HR 139
Sales tax holiday, creation of - HB 192
Sexual entertainment or material, zoning requirements relating to - HB 125
Telecommunications, broadband services, deregulation of - SB 215; HB 627; SB 215: SFA (1)
Telephone
 solicitation and telemarketing, consumer education pamphlet regarding - HB 65: HCS
 solicitation, making campaign calls, prohibition - HB 44
Theft of services, child care - HB 469
Tobacco use and consumption, state preemption of the field - HB 66
Trespass on retail or commercial property with, shortcuts by motorists - HB 504
Wholesalers and retailers, minimum quantities of distilled spirits in containers kept or sold by - HB 362

Traffic Safety

All-terrain
 vehicles, no person under age 16 shall operate and helmets required for - HB 155
 vehicles, no person under age 16 shall operate, helmets required for - HB 132: HFA(1); HB 146: HFA (1); HB 261: HFA (2); HB 301: HFA (1); HB 324: HFA (2)
 vehicles, prohibit operating on a public road - HB 478
Child booster seats, require and make violations a primary offense - HB 93
Code enforcement boards, service of citations - HB 142
Graduated drivers license, changes in passenger restrictions - HB 85: HFA(1)

Traffic Safety Continued

Leaving the scene of a traffic accident, establish penalties - HB 329
Motor
 vehicle enforcement officers, peace officer authority - SB 155: HCA(1)
 vehicles, unrebuildable titles on, prevent issuance in - HB 459
Motorcycle safety fund, restrict uses to providing training - HB 365: SFA(3)
Recreational vehicles, clarify permissible appurtenances - HB 365
Right of way violations, enhanced penalties for involvement in accidents - HB 365: SCS
School
 zones, double speeding fines in, technical corrections - SB 85: SCS
 zones, flasher lights for, maintain in proper working order - HB 350: HFA(2)
Seat
 belt law, primary enforcement - HB 33
 belts and infant restraints, increase fines for violations - HB 153
Speeding in a school zone, double fines for - SB 85; HB 350, 414
Traffic signals, prevent use of mobile infrared transmitters to change - HB 141
Work zone, speeding in - HB 514

Transportation

"Kentucky Veterans Highway," designate in Bell County - HJR 42
Abandoned
 motor vehicles, amend penalties relating to - HB 357: HFA(1)
 vehicles, clarify notification to owner of vehicle - HB 357: HFA(2)
 vehicles, reduce time before vehicle may be sold - HB 357: HFA(3)
 vehicles, towing procedures for, define owner - HB 357: HCS(1)
Accessible parking placards, established fines for violations of provisions - HB 419
Advertising special license plate, create to promote design talent in Kentucky - HB 168
Agritourism highway signs, mandate Transportation Cabinet to promote usage of - HJR 43
Airport boards, limits on contract performance - HB 331
All-terrain
 vehicles, no person under age 16 shall operate and helmets required for - HB 155
 vehicles, no person under age 16 shall operate, helmets required for - HB 132: HFA(1); HB 146: HFA (1); HB 261: HFA (2); HB 301: HFA (1); HB 324: HFA (2)
 vehicles, omnibus revision of rules governing - HB 478
Appropriation clause, inclusion of - HB 157: HCS
Arts
 and Public Education license plates, create - HB 473: SFA(3)
 and Public Education special license plates, create - HB 71: SFA(3)
Aviation Commission, creation of, clarify compensation and duties of members - HB 326: HCS
AVIS,
 access to information in, limit cost of providing access to - HB 526: HFA(1)
 information accessed by auto dealers from, limit charges by Transportation Cabinet - HB 526: HCS
Billboards, vegetation control permits, allow on highways other than interstates - SB 114: SFA(1)
Brain injury services, increase in DUI service fee used for - HB 157
Breast cancer license plate, create - SB 84
CDL, reasons for suspension and impoundment of vehicle, omnibus revision of - HB 495: HCS
Child booster seats, require and make violations a primary offense - HB 93
Choose Life license plate, establish - SB 39
Code enforcement boards, service of citations - HB 142
Commercial
 vehicles, cease operations order, affix for license and taxation issues - HB 495: HFA(1)
 vehicles, exempt drivers from citation or conviction of violations caused by employers - HB 495
Commission on the Deaf and Hard of Hearing, special license plate for - SB 18
Consultants working on a highway project, delete fine for certain violations - SB 2: SFA(2)
County

Transportation Continued
 clerk fees for administering special license plate donations, increase - HB 172: HCS(1)
 roads and public roads, adoption into county system, omnibus revision - HB 199
 roads, create limited exemption on minimum right-of-way - HB 199: HCS
 roads, lack of maintenance precludes inclusion in county road system, delete - HB 199: HFA(1)
 roads, minimum right of way, exempt existing roads - HB 199: SCS
Covered wooden bridges, preservation of - HB 596
Dr. Martin Luther King, Jr., name I-65 in Jefferson County in memory of - HJR 107
Driver's
 license applicant, verifying information, make referral to Trans Cab by clerk permissive - HB 562: HFA(1)
 license, issue without a photograph due to religious convictions - HB 386
 licenses & I.D. cards, omnibus revision of issuance to non US citizens - HB 562
 licenses and nondriver I.D. cards, issuance to non-US citizens, omnibus revision of - HB 562: HCS
Drivers' licenses, educational requirements - HB 304
Dudley Riley Bridge, name on KY 109 near Dawson Springs - SB 160: HFA(4)
Executive Orders 2003-064 and 2004-027, confirm reorganization - SB 160
Farm and forest products, hauling without permit, follow provisions for hauling building materials - HB 34
Fuel marketing, prohibit unfair competition - HB 296
Gasoline, investigate pricing of - HR 276
Governor's Advisory Council on Minority Affairs, adds transportation secretary - HB 588: HFA(1)
Graduate driver's license for teenagers, expand program - HB 85
Graduated drivers license, changes in passenger restrictions - HB 85: HFA(1)
Hal Rogers Parkway, rename Daniel Boone-Hal Rogers Parkway - HJR 7
Hand-held mobile telephones, use in moving vehicles, prohibition of - HB 602
Handicapped
 parking fines, make technical correction to distribution of - HB 71: HFA(2)
 parking placards, omnibus revision of procedure to issue - HB 71: HCS
 parking placards, provide for free renewal on permanent placards - HB 71: HFA(1)
 parking rules, increase fine for violations of, dedicate revenues - HB 71
Highway
 construction projects, require two bids before awarding, establish limited exception - HB 589
 signs to promote lakes area of West Ky, require - HB 191
 work zones, penalty for failure to illuminate lights, delete - HB 514: HCS
Interlocal
 agreements, establish a fund for counties that establish interlocal agreements - HB 109: HCS(2)
 agreements, incentives for road construction and maintenance - HB 78; HB 78: HCS
 agreements, provide cabinet funding for - HB 109
Interstate 66, urge Congress to extend route through the Purchase Area - HR 225
Junk automobiles, local government removal under nuisance ordinance - HB 584
Kentucky
 Aeronautics Commission, creation of - HB 326
 Asset/Liability Commission, duties of - HB 418
 Colonel license plate, create - HB 71: SFA(1); HB 473: SFA (1)
 Colonels license plate, create - HB 365: SFA(5)
 Colonels, create special license plate for - SB 87
 Walking Horse Association, create special license plate for - HB 699
KY
 109, bridge over Trade Water River, name in honor of Dudley Riley - HJR 55
 112, Hopkins Co., name in honor of Dr. Loman Trover - HJR 54
 1336 access point to the relocated KY 11 - SB 100: HCA(2)
 1357, Hardin County, name in memory of Sheriff Bobby Thomas - SB 160: HFA(1)
 1357, Hardin County, name the "Sheriff Bobby Thomas Memorial Highway" - HJR 11
 15 in Breathitt County, name in honor of veterans - HJR 9
 519, Morgan County, urge a bridge to be named in memory of William Lykins - HR 140
 72, Harlan Co., name segment in memory of victims of 1932 Yance Mine Disaster - HJR 10
Leaving the scene of a traffic accident, establish penalties - HB 329

Transportation Continued

Lexington/Big Sandy Rail Trail task force, creation of - HCR 8
License plate design, use image of official state steam engine - HB 238
Livery vehicles, allow to regulate following guidelines for local regulation of taxicabs - HB 561
Medicaid nonemergency transportation, eligibility for - HB 600
Medicaid, managed care, prior approval within - SB 183
Military license plates, increase renewal fee by $5 - HB 172: HFA(8)
MIRET devices, unauthorized use of, penalties for - HB 141: HCS
Motor
  Carrier Safety Improvement Act, urge Congress to amend - HCR 194
  carriers, registration and taxation violations, impoundment for - HB 495: SCS
  carriers, subject registered owner to citation for nonpayment of taxes and registration - HB 495: SFA(1)
  Vehicle Commission, prohibit charging fees not established in KRS Chapter 190 - HB 526
  vehicle identification numbers database - SB 147; HB 29
  vehicle insurance, require operator as well as owner to maintain - HB 607, 642
  vehicle titles, new brand to warn that not all rebuilt vehicles may be titled in another state - HB 459: HFA(1),(2)
  Vehicle Usage Tax, definition of retail price, proof of total consideration given - HB 282
  vehicles, require to be registered in the county of the purchaser's residence - HB 399
  vehicles, unrebuildable titles on, prevent issuance in - HB 459
Motorcycle
  awareness signs, permit local governments to erect in the right-of-way - HB 384
  safety education program fund, limit to use to provide training courses - SB 106: HFA(5)
  safety fund, restrict uses to providing training - HB 365: SFA(3)
Motorcycles,
  accidents involving, failure of motor vehicle to yield right-of-way, increase penalties - SB 106: HFA(3)
  allow special military plates to be issued for - HB 92
Noncoal mining, transportation impact plan, requirement for - HB 543
No-pass, no-drive provisions, clarify provisions relating to home schooled children - HB 304: HCS
Northern Kentucky Baptist Association, create a special license plate for - HB 375
Off-Road Motorcycle and All-Terrain Vehicle Task Force, extend reporting deadline - HCR 124
Off-road
  Motorcycle and ATV Commission, create - SB 106: HFA(4)
  Motorcycle and ATV Commission, establish - HB 365: SFA(3)
Operator's license, questioned documentation, require written reasons for - HB 562: HFA(2)
Paris By-pass, Bourbon County, rename Thoroughbred Run - HJR 91
Parking lots, towing unauthorized vehicles, omnibus revision - HB 385
Pest
  Plant Board, creation of - HB 127
  plant board, require report to LRC, no regulatory authority - HB 127: HCS
Petroleum environmental assurance fee, divert to road fund - SB 224: SFA(2)
Private
  utilities, authorize Transportation Cabinet to reimburse for cost of relocating facilities - HB 447
  utilities, permit reimbursement for moving facilities in conjunction with a highway project - HB 447: HCS
Proof
  of insurance in vehicle, failure to maintain, establish presumption of lack of insurance - HB 511
  of Insurance, failure to maintain in vehicle, establish as prima facie evidence of no coverage - HB 511: HCS
Protect Choice license plates, create - SB 39: SFA(1)
Provisions relating to definition of vehicle, to take effect after EPA approval of amended SIP - HB 53: HFA(1)
Purchase of a car, require 3 days to return and retrieve vehicle & money given in trade - HB 254
Recreational vehicles, clarify permissible appurtenances - HB 365
Regular license plates, authorize for investigators of the Public Protection Cabinet - HB 172: HFA(1)
Relay for Life special license plate, for benefit of American Cancer Society - SB 104
Removal of railroad crossings on private roads, restrictions - HB 472

Transportation Continued

School
 bus specifications, Kentucky Board of Education to set - SB 124
 zones, double fines for speeding in, clarify procedures to - HB 350: HFA(1)
Seat belt law, primary enforcement - HB 33
Special
 Big Brothers Big Sisters license plates, establish - SB 106: HFA(11)
 General Assembly license plates, add $10 extra fee for KECC - HB 172: HFA(9)
 license plates, establish guidelines for Transportation Cabinet to follow prior to issuing - HB 172: HCS(3)
 license plates, increase renewal fees for selected categories - HB 696
 license plates, omnibus revision of provisions governing - HB 172
 license plates, remove clerk from process to retain and distribute funds to groups - HB 172: HCS(2)
 license plates, require the Transportation Cabinet to forward funds to groups - HB 172: HFA(6)
 license plates, require Transportation Cabinet to forward funds to groups - HB 172: HFA(4)
 license plats, holding fees collected for groups, allow clerk to hold in one account - HB 172: HFA(7)
Speed
 limits, 60 MPH on noninterstate highways - HB 365: SFA(2)
 limits, 65 MPH on four-lane noninterstate highways - HB 365: SFA(1)
 limits, 70 MPH on interstates - HB 365: SCS
Support the Arts, Support Public Education, create special license plates for - SB 202
Swinging bridges, require Transportation Cabinet to review in Breathitt County - HJR 7: HFA(3)
Teenage drinking and driving, study of - HJR 211
Toll roads, nonpaying users - HB 473
Tourism, highway signs to promote in West Kentucky, limit number required to be erected - HB 191: HCS
Towing abandoned vehicles, omnibus revision of provisions governing - HB 357
Traffic
 right of way violations, enhanced penalties for involvement in accidents - HB 365: SCS
 signals, prevent use of mobile infrared transmitters to change - HB 141
Train
 crews, establish minimum staffing standards - HB 332
 crews, permit time off without pay under limited circumstances - HB 333
Transportation
 Cabinet contracts, require to be reviewed by LRC Government Contract Review Committee - SB 2: SFA(1)
 Cabinet, legislative oversight subcommittee, additional membership - SB 2: SCS
 Cabinet, not sanction motorists after closure of VET test program - SJR 3: HCS
 Cabinet, omnibus revision of - SB 2
 Oversight Subcommittee, co-chairs' duties, quorum, vote required for actions - SB 2: SFA(5)
 Oversight Subcommittee, require review of all Transportation Cabinet contracts - SB 2: SFA(3),(4)
Unmanned locomotives, urge Congress to mandate FRA regulation of - HCR 86
US
 421, Clay and Jackson Counties, name Vietnam Veterans Memorial Highway - HJR 18
 62 in Lyon Co, name the "Veterans Memorial Highway" - HJR 46
Various
 bridges, name in memory of World War II veterans and John C. Cline - SB 106: HCS
 highways throughout the state, name - HJR 11: SCS
 roads and bridges, name statewide - SB 160: HFA(2)
Vegetation control around advertising devices, establish process for - SB 114
Vehicle
 emission testing programs, exempt cars four model years and newer - HB 53
 Emissions Testing in Northern Kentucky, elimination of - SJR 3
 window tinting, provide for testing of sunscreen material on vehicle windows - HB 313
Veterans'
 license plates, add $5 to renewal for Veteran's Trust Fund - HB 172: HFA(5)
 program trust fund, promote contributions to when obtaining a license plate - HB 696: HFA(1)
Waste tire trust fund, recycling projects to include crumb rubber - HB 301

Transportation Continued

Work zone, speeding in - HB 514
World War II Memorial Bridge, name on US 23 in Johnson County - HJR 192

Treasurer

Delinquent debts owed the state and referred to Revenue Cabinet for collection, information on - HB 162
Individual development accounts - HB 268
Retirement funds, custodian - HB 519: HFA(1),(2)
State/Executive Branch Budget Memorandum - HJR 103

Unemployment Compensation

Benefit eligibility for victims of domestic violence - HB 360
Contractor certification program, residential and light commercial, insurance requirements for - HB 277

Uniform Laws

General and limited partnerships, uniform laws on - HB 190
Interstate Insurance Product Regulation Compact - HB 605
Uniform Child Custody Jurisdiction Act, update of - HB 91

United States

Candidates for President and Vice President, challenge of - HB 428
Cohabitation of legislators, urge Congress to abolish - HCR 17: HFA(4)
Congress,
 encourage to establish ".xxx" Internet domain - HCR 112
 urge to enact English as official language legislation - HR 242
 urge to extend route of Interstate 66 through the Purchase Area - HR 225
Definition of marriage - HCR 17
Drugs, direct-to-consumer advertising, urge federal restrictions on - HCR 59
Federal
 candidates, statement of candidacy not required for - HB 428
 judicial nominees, urge United States Senators to allow a timely floor vote on - HR 166
Firearms manufacturers and dealers, urge United States legislators from Kentucky to reform tort law - HR 165
Foreign adoption, Kentucky recognition of - SB 38: SCS
Human trafficking, study of - HCR 210
Lieutenant Garlin Murl Conner, medal of honor, urge Congress to award - HCR 223
Marriage between selected persons, urge Congress to abolish - HCR 17: HFA(3)
Motor Carrier Safety Improvement Act, urge Congress to amend - HCR 194
No
 Child Left Behind Act, funding for - HR 174
 fault divorce, urge Congress to abolish - HCR 17: HFA(2)
Pledge of allegiance, urge Supreme Court to overturn case on - HCR 14
Social Security, repeal of windfall elimination and pension offset provisions, urge - HR 155
U.S. Mint Police, Kentucky peace officer powers for - SB 78; HB 187: SFA (1)
Urge
 Congress to mandate FRA regulation of unmanned locomotives - HCR 86
 United States legislators from Kentucky to reform tort law relating to firearms industry - HCR 74
 United States Senators to allow a timely floor vote on federal judicial nominees - HCR 73

Universities and Colleges

Cloning of humans, prohibition of - HB 171
Commission for Healthy Kentucky, creation of - SB 179
Dual Credit Students, KEES scholarship eligibility for - HB 99
Eaglin, President Ronald G., Morehead State University, honor - HR 289

Universities and Colleges Continued

EKU Business Technology Center, deletes funding for - HB 395: SCA(1)
Fire prevention, on-campus housing facilities - SB 63: HFA(1)
Housing,
 disabilities and diseases, priority for persons who inform institution of - HB 322: SFA(6)
 disabilities and diseases, priority for persons with - HB 322: SFA(4),(5)
Independent college and university students, honor - HR 152
KCTCS
 Ashland Technology Center, deletes funding for - HB 395: SCA(4)
 Henderson Technology Center, deletes funding for - HB 395: SCA(5)
 Madisonville Technology and Coalbed Methane Research Center, delete funding for - HB 395: SCA(8)
 Owensboro Technology Center, deletes funding for - HB 395: SCA(7)
KEES
 awards, calculations to determine - HB 480
 program, analysis of - HJR 135
 program, study by KHEAA of - HJR 135: HCS
 Scholarship, "participating institution" definition for - HB 250
KEES, enrollment of eligible recipients - HB 169
Kentucky
 Center for African-American Studies and Research, creation of - HB 452
 Diabetes Research Board and Kentucky diabetes research trust fund, creation of - HB 685
 Diabetes Research Board, secretary of Cabinet for Health Services member of - HB 685: HCS
 Teachers' Retirement System, option to elect participation in - HB 434: HCS(1)
Lexington
 Community College, delegation of responsibilities for - HB 647
 Community College, transfer - HB 709; HJR 214; HCR 217
Medical
 schools, faculty, special license - HB 456; HB 456: HFA (1)
 schools, pain management task force, establishment of - HJR 132
NASA Space Science Center at MoSU, deletes funding for - HB 395: SCA(3)
New Science Complex at MuSU, delete funding for - HB 395: SCA(6)
Obesity and drug addiction, urge study of - HJR 65
Open meeting/open records infor. to local officials, require university presidents to distribute - HB 263
Physicians, medical and osteopathic schools, practice within - SB 276
Postsecondary
 Education Nominating Committee, appointment to - HCR 22
 institutions, debt issuance by - HB 489; SB 96: HFA (1)
Research challenge trust fund, allocation of - HB 704
Resolution honoring Dr. Ronald G. Eaglin - HR 282
Restrictions on employing retirees, exemption for postsecondary institutions - SB 60: HFA(2); SB 150: HFA (1); SB 151: HFA (1); SB 154: HFA (3); SB 155: HFA (2)
Sectarian instruction, KEES scholarship permitted for - HB 28
Student
 credit card regulation - HB 130
 financial aid awards, designation of - HB 479: HCS
Telehealth consultation, revised definition of - HB 115: HFA(1)
Telehealth, asynchronous consultations, payment for - HB 115
Tuition
 fees, waiver for dependents of veterans - HB 460
 for advanced degrees, in-state rate for Kentucky graduates - HB 515
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